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New York

President:	Sir Emyr Jones Parry	(United Kingdom of Great Britain and Northern Ireland)
Members:	Angola	Mr. Gaspar Martins
	Bulgaria	Mr. Raytchev
	Cameroon	Mr. Chungong Ayafor
	Chile	Mr. Muñoz
	China	Mr. Zhang Yishan
	France	Mr. De La Sablière
	Germany	Mr. Pleuger
	Guinea	Mr. Sow
	Mexico	Mr. Aguilar Zinser
	Pakistan	Mr. Khalid
	Russian Federation	Mr. Konuzin
	Spain	Mr. Arias
	Syrian Arab Republic	Mr. Atieh
	United States of America	Mr. Cunningham

Agenda

The situation in Guinea-Bissau

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03-53426 (E)

The meeting was called to order at 10.20 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Guinea-Bissau

The President: I should like to inform the Council that I have received a letter from the representative of Guinea-Bissau in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedures.

There being no objection, it is so decided.

At the invitation of the President, Mr. Cabral (Guinea-Bissau) took a seat at the Council table.

The President: I should like to inform the Council that I have received a letter dated 25 September 2003 from the Permanent Representative of Angola to the United Nations which reads as follows:

> "I have the honour to request that His Excellency, Mr. Jose Ramos Horta, Minister for Foreign Affairs of the Democratic Republic of Timor-Leste and Special Envoy of the Community of Portuguese Speaking Countries (CPLP) to Guinea-Bissau, take part, under rule 39 of the provisional rules of procedure of the Security Council, in the open briefing on Guinea-Bissau scheduled for 29 September 2003."

That letter has been issued as a document of the Security Council under the symbol S/2003/917.

Unless I hear any objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Jose Ramos Horta.

There being no objection, it is so decided.

I extend a warm welcome on behalf of the Council to Mr. Jose Ramos Horta and invite him to take a seat at the Council table.

The Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

At this meeting, the Council will hear a briefing by Mr. Tuliameni Kalomoh, Assistant Secretary-General for Political Affairs, under rule 39 of the provisional rules of procedure.

I now give the floor to Mr. Kalomoh.

Mr. Kalomoh: This briefing follows my briefing to members of the Security Council on 15 September 2003, one day after the coup d'état led by General Verissimo Correia Seabra was staged in Bissau. Today, I would like to update the Council on the main developments since that time.

Members of the Council are well aware of the volatile political and socio-economic situation reigning in the country before the coup d'etat. That situation was characterized by, among other things, severe financial problems; weak State structures that were virtually incapable of providing minimal services to the population; increasing rule by decree by former President Kumba Yala after he had dissolved the National Assembly; institutional instability caused by frequent changes of prime ministers and ministers by the President; a dire economic situation; and high social tensions caused by, among other things, the huge backlog of salary arrears. In a word, we had all the indicators of a country in a pre-conflict situation.

Members will also recall that the military officers who staged the coup d'état on 14 September 2003 stated that their action was motivated by the need

> "to re-establish the authority of the State, to rid the public administration of partisanship, to establish transitional Government to include all national political orientations and to create the foundations for the next general elections".

Immediately following the coup, the Economic Community of West African States (ECOWAS) launched facilitation/mediation efforts and, with the active support of the presidency of the Community of Portuguese-Speaking Countries, helped reach, on 17 September 2003, an agreement between President Yala and the military contingent that staged the coup. The agreement provided for the return of the armed forces to the barracks, the resignation of President Yala, the establishment of a Transitional Government of

National Unity led by a civilian, and the holding of general elections. On the day of the signing of that agreement, President Yala resigned.

On 18 September 2003, President Kufuor of Ghana, Chairman of ECOWAS, and his Nigerian and Senegalese counterparts visited Bissau to facilitate a consensus among the main stakeholders on the basic transitional mechanisms. Subsequently, the military agreed that the interim President would also be a civilian. In the meantime, a 16-member Ad Hoc Technical Commission, which included representatives of all political parties and of civil society, as well as religious and traditional leaders, was established to elaborate a transitional charter.

On 23 September 2003, the Military Committee nominated Mr. Henrique Rosa, an economist and the former Chairman of the National Electoral Commission during the 1994 elections, as transitional President. Artur Sanha, the former Minister of the Interior and the current Secretary-General of the ruling Partido da Renovação Social, was nominated as transitional Prime Minister. While Mr. Rosa's nomination was received favourably by all stakeholders, the appointment of Mr. Sanha, opposed by most of the political parties, has proved to be highly controversial.

After two weeks of almost continuous negotiations, often accompanied by high tension, on 28 September 2003 the Political Transitional Charter was formally agreed in Bissau by the Military Committee for the Restoration of Constitutional and Democratic Order, 23 out of the 24 recognized political parties, and the organizations of civil society. It was formally adopted and signed at a meeting attended by the entire Military Committee and political party and civil society representatives. The signing ceremony was also attended by representatives of the diplomatic community in Guinea-Bissau.

The Political Transition Charter defines itself as the instrument whereby the process of return to constitutional normality is to be guided. It lists the organs of the political transition as the Transitional President of the Republic, the Military Committee for the Restoration of Constitutional and Democratic Order, the National Transition Council and the Transitional Government. The Military Committee, whose mandate ends with the transition period, is defined as the consultative organ for the Transitional President. The National Transition Council is defined as the political monitoring organ of the other organs and therefore fulfils the role of a parliament during the transition. The Council is to be chaired by the Chair of the Military Committee. It includes all the members of the National Transition Council, one representative of each political party, and eight representatives of civil society — 56 in all. The Prime Minister is to be the head of the Transitional Government.

No dates have been fixed for the elections, but the Charter states that legislative elections should be held within six months of the signing of the Charter, that is, by 28 March 2004. At that time, the National Transition Council and the Transitional Government will cease to exist and will be superseded by the elected Peoples' National Assembly and a new Government. The presidential elections are to take place within one year of the swearing-in of the elected deputies. In other words, the transitional presidency shall last a maximum of 18 months.

Yesterday, 28 September, Mr. Henrique Pereira Rosa was sworn in as Transitional President and Mr. Antonio Artur Sanha as Transitional Prime Minister. Members of the National Transition Council also took their oaths of office.

In his acceptance speech, Mr. Rosa stated that he saw his role as that of a compass providing a check on the overall direction of the process. He also expressed gratitude for the support and understanding of the international community, including that of the United Nations Peace-building Support Office in Guinea-Bissau, and said that he wanted the international community to accompany Guinea-Bissau so that urgent help could be provided to its people.

In conclusion, let me say that the political class, the military and the organizations of civil society in Guinea-Bissau seem to have pulled back from the brink and have reached a consensus solution for the transition. We view that as a welcome move. There now seems to be an atmosphere of give-and-take, which augurs well for the immediate future. But serious social and economic tensions persist, and they will require careful management by the leaders of Guinea-Bissau. The urgent task for the international community is to help ensure a successful transition by responding as generously as possible to economic and budgetary needs of the Transitional Government.

The President: I now give the floor to Mr. Jose Ramos Horta, Special Envoy of the Community of Portuguese-Speaking Countries.

Mr. Ramos Horta: I have appeared before the Security Council on numerous occasions in the past, but on another subject matter, namely, the situation in my country. This is the first time that I participate in a discussion pertaining to an issue other than my own country. I do so with a sense of friendship and solidarity with the people of Guinea-Bissau, with whom we share centuries of common history.

It was with a sense of humility and weighty burden that I accepted the responsibility bestowed upon me by my colleagues, the Ministers for Foreign Affairs of the Community of Portuguese-Speaking Countries, meeting in Coimbra in July 2003 to act as Special Envoy in assisting with the preparations for elections scheduled for 12 October and to promote national dialogue in Guinea-Bissau in order to ensure that the elections are held in a climate of tranquillity and faith in the system.

I spent a total of one week in Guinea-Bissau, where I met with the now former President Kumba Yalá, many Government ministers, all parliamentary leaders, all the top leaders of the armed forces, the police, the diplomatic corps — in particular the representatives of Portuguese-speaking countries and of Guinea-Bissau's neighbours — church leaders, the private sector, union leaders, students and academics. I had two private discussions with President Kumba Yalá. The day I left Guinea-Bissau, 16 August, I left without the certainty that I had wanted to obtain, namely, that there would be no military intervention. In my discussions with all political parties, members of the church — including protestant and Muslim leaders — and the private sector, I encountered a general, profound disappointment with the governance of Guinea-Bissau. In addition, everyone had the expectation that there should be changes.

Even though President Kumba Yalá assured me in my private discussions with him that he would honour whatever result the elections produced, were the elections to be held on 12 October they would not necessarily produce a better relationship between the presidency and a new Parliament. Instability would therefore continue. I left Guinea-Bissau with the conviction that military intervention would take place in a matter of days, that is to say, that such an eventuality was not a question of "if" but, rather, a matter of "when".

It seems that the military intervention that brought down President Kumba Yalá was welcomed by all of Guinea-Bissau's society. The Ministers for Foreign Affairs of the Community of Portuguese-Speaking Countries — like the Security Council, the Secretary-General and the international community — regretted the event that brought about the changes in Guinea-Bissau. However, as the Assistant Secretary-General for Political Affairs has quite eloquently reported, conditions in Guinea-Bissau were conducive to the situation that did in fact take place. We can only be pleased about the fact that there was no violence, that not a single shot was fired and that there are now formal pledges by those in charge that there will be a return to normalcy and constitutional arrangements and the holding of elections for a new legislature and President.

What I was able to observe in Guinea-Bissau, which was most heart-breaking and very touching, was an extraordinary sense of dignity and pride among the people of Guinea-Bissau. For over a year, thousands of civil servants had been working without receiving their salaries. Soldiers and officers also did not receive their pay for many months. It was raining inside the barracks of the military officers I visited. Ironically, in the West African region, which has been very much shaken by violence, Guinea-Bissau was an oasis of tranquillity and of the absence of hatred, including even towards those who had mismanaged their country. The people of Guinea-Bissau have displayed enormous strength, tolerance and a spirit of solidarity.

I wish to congratulate the United Nations for the outstanding job it has done in Guinea-Bissau as a mediator, conciliator and focal point to which many political leaders of differing persuasions could turn to either voice their complaints against one another or against the Government, and vice versa. That was a very useful role by the United Nations Peace-building Support Office in Guinea-Bissau, whose mandate I hope will be extended. If for no other purpose, the mere presence of the United Nations in Guinea-Bissau as facilitator and conciliator will help create the conditions for elections that we hope will take place.

As has happened in conflict situations, such as those in my country and many other countries, the electoral process is only one step. The country is in

dire need of economic assistance. The Bretton Woods institutions must show more pragmatism and compassion, and maybe even observe a moratorium on payments to the World Bank, the International Monetary Fund and other institutions by the treasury of Guinea-Bissau in order to give the country breathing space while the economy recovers. The country has tremendous potential. God has blessed it with enormous rainfall and enough land. If properly managed and given an opportunity to develop, it could be a breadbasket for the entire region.

I congratulate the Security Council for remaining seized of the matter and keeping the situation under review, as well as for giving the military and others who are today in charge in Guinea-Bissau the benefit of the doubt. I must say that I have the fullest confidence that the people — the military leaders — whom I met in Guinea-Bissau do not wish to remain in power. They are not people who staged a coup in order to gain the spoils of victory. They were genuinely motivated by social and economic conditions that had profoundly affected all of them. They deserve our trust, they deserve credit and they deserve an opportunity.

The Community of Portuguese-Speaking Countries (CPLP) will remain closely supportive of the process in Guinea-Bissau, working with the United Nations and Guinea-Bissau's neighbours. I understand that the CPLP Foreign Minister will soon appoint a senior envoy from Angola who will more closely follow the events in Guinea-Bissau on a full-time basis, to provide whatever assistance is necessary. I also remain available at the service of my colleagues in the Portuguese-speaking community within the United Nations to help in whatever limited way I can – as a gesture of gratitude to Guinea-Bissau for its many years of helping us and in gratitude to the United Nations for its many years of helping East Timor. If in some way Timor-Leste can help to contribute to normalization and democratization in Guinea-Bissau, it will be our little bit of reciprocity to the international community.

The President: I thank Minister Ramos Horta for his statement, as well as for what he has been doing.

As there is no list of speakers, I invite those Council members who wish to make comments or to ask questions to so indicate to the Secretariat.

Mr. Pleuger (Germany): My delegation would like first of all to thank Assistant Secretary-General Kalomoh for his very comprehensive report. We also appreciate very much the presence here of His Excellency Mr. Ramos Horta. We listened with great interest to his report and we hope that his assessment — a brighter future and the possibility of resolving the issues — proves to be right.

Like the Secretary-General, the European Union and the Security Council itself, we condemned the military coup in Guinea-Bissau, and we support the African Union's stance against the seizure of power by force. In this context, allow me to commend the constructive role that the Economic Community of West African States played in the aftermath of the coup. We expect a prompt return to constitutional order, and take note of the Military Committee's announcement in this respect. We hope that the ongoing electoral process will not be further damaged and that elections will take place as soon as possible.

Together with our partners in the European Union, we remain committed to working with the United Nations, especially the ad hoc advisory group on Guinea-Bissau of the Economic and Social Council, as well as the United Nations Development Programme and other United Nations agencies.

We feel that Guinea-Bissau is at a watershed and that there is a real threat that we will see a failing State. The economic situation is desperate. The International Monetary Fund has withdrawn and World Bank projects have been suspended. This situation has to be remedied soon if the people of Guinea-Bissau are to be provided with a future of security and prosperity. We therefore feel that it is absolutely essential to restore constitutional legality and democratic principles.

Mr. Gaspar Martins (Angola): I would like first of all to commend Assistant Secretary-General Kalomoh for his very comprehensive briefing to the Council this morning. I would also like to thank you, Mr. President, for having convened this meeting in such a timely manner.

I would like to say right at the outset that I welcome the presence at this meeting of ministers from the Economic Community of West African States (ECOWAS). As my colleague Gunter Pleuger said earlier, it was thanks to very effective action by ECOWAS that a crisis was averted.

Furthermore, I would like to welcome the presence of His Excellency Jose Ramos Horta and to

thank him for his very comprehensive briefing. He was in Guinea-Bissau as a special envoy of the Community of Portuguese-Speaking Countries (CPLP) just before the coup, and has been monitoring the situation as a special envoy appointed by his colleagues and ministers for foreign affairs of the Portuguese-speaking countries.

Both regional organizations — ECOWAS and the CPLP — have responded in a timely manner to the crisis, which once again illustrates the importance of regional organizations and the regional dimension of this crisis.

I would like to thank the international community for responding to the situation; the meeting this morning is a very good illustration of the importance attached by the international community to the situation in Guinea-Bissau.

The current state of affairs in Guinea-Bissau is an example of a dangerous cycle in which a situation could spiral out of control, requiring more resources in the future if urgent action is not taken — by the people of Guinea-Bissau themselves first and foremost, but also by the international community. From the briefing this morning we heard that action is effectively being taken by the people of Guinea-Bissau and that they are resolving the problems – the constitutional ones, at least.

As we all are aware, the Council's objective in convening this meeting was to assess the state of preparation for the legislative elections in Guinea-Bissau, which were supposed to take place next month. Those elections were aimed at establishing the institutional order, which is indispensable for dealing with the economic reconstruction of the country. It is therefore essential that everything be done to ensure that the establishment of the transitional Government take place in a smooth manner in order to bring the country back to constitutional order as soon as possible.

In this connection, it is also gratifying to note that the people of Guinea-Bissau and the political leaders have not abandoned dialogue as a way of resolving their differences. We commend that very positive posture on the part of the people of Guinea-Bissau, as consensus on all outstanding issues provides the best guarantee for the political stability of the country.

While we recognize the primacy of the role of the people and the political leaders of Guinea-Bissau, it is also important to stress the responsibility of the international community. The Guinea-Bissau authorities should take the necessary steps to enhance donor confidence, while the donor community should avoid a situation in which its response to the needs of the country is attached to unrealistic conditionalities. That could create a vicious circle and further penalize the country and the people, prolonging the crisis and having a potentially negative impact on the rest of the region. An open mind is therefore necessary to deal with the situation. Our goal should be to break this unproductive cycle.

It is also important that the development assistance stakeholders who have expressed willingness to help Guinea-Bissau, as well as those who have provided assistance to the country, maintain their support, in order to free Guinea-Bissau from political and social economic decline. In that connection, we commend the very positive role played by the United Nations Peace-building Support Office in Guinea-Bissau and the Resident Representative of the United Nations Development Programme (UNDP). Mr. Ramos Horta again spoke to us this morning of their positive role in the country. It should be enhanced. Holding a donor conference and contributions to the Emergency Economic Management Fund set up by UNDP could be ways to facilitate the transfer of support to the country.

To deal effectively with the Guinea-Bissau crisis, the support of the Security Council for the efforts of the regional actors is key. ECOWAS, CPLP and the African Union have been playing an important role to avoid further deterioration of the political situation. We, therefore, welcome the decision by ECOWAS and the CPLP to appoint representatives in the country in order to follow up on the situation. We also welcome the appointment by the African Union of a Special Envoy to Guinea-Bissau.

The Ad Hoc Advisory Group on Guinea-Bissau of the Economic and Social Council, the Group of Friends of Guinea-Bissau and the Ad Hoc Working Group of the Security Council on Conflict Prevention and Resolution in Africa continue to be important tools in promoting peace and in dealing with this crisis. Therefore, the recommendations made by the Security Council and those groups need to be implemented.

I would like to take this opportunity to recall that Guinea-Bissau has valuable human resources. They should be brought into play. They should be able to play a role. I am referring to the diaspora of Guinea-Bissau.

In conclusion, the situation in Guinea-Bissau is one of an emergency. The Security Council needs to address it as such, before it deteriorates into wider conflict with implications that could be much more difficult by far.

Mr. Konuzin (Russian Federation) (*spoke in Russian*): My delegation wishes to express its appreciation to those who gave briefings today on the situation in Guinea-Bissau.

Events in that country are alarming. They are part of a series of coups d'état or coup attempts that have been carried out in recent months in Africa — in March, in the Central African Republic; in June, in Mauritania; in July, in São Tomé and Principe; and on 14 September, in Guinea-Bissau.

When the Security Council mission visited Guinea-Bissau in June 2003, we encountered a heart-wrenching situation. Alienated from his people, President Kumba Yalá was living under an illusion about the future of his country, which has been experiencing a cruel systemic crisis since the civil war. Our contacts with the political opposition, civil society and women's organizations showed that the President was living in a public vacuum. The parliamentary and judicial branches of Government were not functioning. With that "musical chairs" in the Government it was evident that the executive authority was being held together by the personal intrigues of the President and the tolerance of the military. The military's tolerance of this has ended.

Like many States, Russia, along with other members of the Security Council, have condemned the unconstitutional change of power in Guinea-Bissau. However, that is the least of it. We need to understand the reasons for what has happened, which are characteristic of many States in Africa. Despite the various circumstances in each country I mentioned, there is also a characteristic that is common to many African regimes — weakness of Government authority and insufficiently developed democratic foundations. Africans themselves have told us about this.

A Government that has assumed power constitutionally but which then violates the constitution, or simply replaces it, loses its legitimacy. The absence of an operational democratic system of checks and balances does not let society carry out a constitutional change of Government. This problem has remained an issue for more than one decade.

In order to correct this situation, we do not need a great deal of donor assistance. We do not need many years of socio-economic restructuring. We do need political will to affirm the generally recognized standards of democracy and to press for strict compliance with them. References, including those made by President Kumba Yalá, to the peculiar situation in which Africa finds itself in this regard, have not yet been confirmed in the public sphere. On the contrary, in the democratic countries — and there are quite a few of them in Africa — threats to constitutional authority do not exist. The international community must provide appropriate assistance. Active work in promoting democracy is being carried out by the United Nations. The African Union can play a special role in that regard, including within the programme of the New Partnership for Africa's Development (NEPAD).

One characteristic of coups in the Central African Republic and Guinea-Bissau is that the perpetrators immediately said that they were prepared to hold elections. The Security Council must monitor that, in order to make sure that those promises are not empty words. The people of these countries, enduring the hardships of post-conflict reconstruction, must not become hostage to lawlessness.

I wanted to pose a question to the Assistant Secretary-General for Political Affairs, Mr. Kalomoh.

Mr. Kalomoh, what are the opportunities for the United Nations right now in Guinea-Bissau to support the democratic process and to make sure that the scheduled elections take place on time?

Mr. Cunningham (United States): I also wish to thank Ambassador Kalomoh and Minister Ramos Horta for their very informative presentations, providing us the opportunity to discuss events in Guinea-Bissau. I can be brief because my Government views things very much in the terms that Ambassador Pleuger has already set out.

We are watching developments in Guinea-Bissau closely. We hope that the progress that is being made towards the return of power to civilian leadership will continue. I noted Ambassador Kalomoh's comments about the consensus on the transition and the give-and-take atmosphere that he described. We hope that that would hold and provide a basis for going forward. We encourage rapid steps to constitute a civilian Government and to prepare for democratic elections soon that would be open to broad-based participation. We very much welcome and support the role the Economic Community of West African States (ECOWAS) has played and is playing in support of this process, as well as the roles of other members of the international community. The Community of Portuguese-Speaking Countries, the African Union and the Security Council all share a common interest in restoring civilian leadership and in improving governance in Guinea-Bissau. We will continue to monitor events in the country closely and coordinate with ECOWAS, the African Union and others who are helping, including members of this Council, and hope that we can all see the restoration of the constitutional order quickly.

Mr. Khalid (Pakistan): I would like to thank Mr. Kalomoh for the update he has given on the situation in Guinea-Bissau and we are also thankful for the briefing provided by His Excellency Mr. Ramos Horta on behalf of the Community of Portuguese-Speaking Countries. We commend the work being done by you, sir.

We agree with Mr. Kalomoh that the situation has been pulled back from the brink and we welcome that the major stake-holders seem to have reached a consensus on transitional arrangements. We must heed his note of caution that serious political and social problems persist that require careful management. The need for continued international engagement and generous assistance can not be overstated.

The United Nations has put a lot of time and effort into trying to assist Guinea-Bissau in overcoming the various challenges that it faces. Guinea-Bissau can be termed a test case for the United Nations system, the regional organizations, the donor countries and in fact the entire international community. The success or failure of this venture in Guinea-Bissau is going to be crucial, not only for the people of that country, but for the credibility of the United Nations and its effectiveness to deliver, keeping in mind that Guinea-Bissau is the focus of the attention of two principal organs of the United Nations simultaneously, the Security Council and the Economic and Social Council.

The coordinated efforts of the Security Council and the Economic and Social Council in the case of Guinea-Bissau were being seen as a window to further strengthening and institutionalizing of the United Nations response, at the intergovernmental level, to the complex crises and situations characterized by interlinkages among security, political, cultural, social, economic and developmental issues. It is important that we should not fail in Guinea-Bissau. It is a small country with a population of only about 1.3 million and its economy, though debilitated, is also small in size. This entails a correspondingly smaller international assistance requirement to fix Guinea-Bissau's problems and to make it self-sustainable.

Extreme poverty and under-development are the main problems; 88 per cent of the population lives on less than one dollar a day. The Security Council mission to Guinea-Bissau reported that wider-spread unemployment, especially among young people, posed a potential long-term threat to peace and stability. Fortunately, and rather surprisingly, the situation has remained calm despite depressing socio-economic conditions and political tensions.

The response of the international community to the peace-building and developmental needs of Guinea-Bissau, spearheaded by the United Nations, should constitute a determined effort based on principles but displaying operational flexibility, as our delegation has said on earlier occasions. The democratic transition has to be supported whole-heartedly with all available resources.

It is surprising to know that a country such as Guinea-Bissau, which is not even able to pay salaries to its functionaries, has been making regular repayments, along with interest, to the International Monetary Fund. We agree with the observation of Mr. Ramos Horta that there is a need to show special consideration and pragmatism by the Bretton Woods institutions to the ability of Guinea-Bissau to make these repayments.

During the public briefing on Liberia on 27 August, the Foreign Minister of Ghana, while drawing the attention of the Council to the situation in Guinea-Bissau, had informed it that the commitments by the international community to provide assistance to Guinea-Bissau were too slow in materializing. And

earlier in June, in a preparatory meeting prior to the Council's West African mission, the then-permanent representative of Guinea-Bissau had pleaded her country's case for international assistance in these words: "Yesterday it was President Nino, today it is Kumba Yalá, tomorrow it will be someone else, but the problems of Guinea-Bissau remain the same". I think we need to reflect seriously on those words and devise practical approaches that could bring real benefit to the people of Guinea-Bissau.

Mr. Chungong Ayafor (Cameroon) (*spoke in French*): Allow me, in turn, to thank Mr. Kalomoh and Mr. Ramos Horta, the Special Envoy of the Community of Portuguese-Speaking Countries, for their very detailed and complimentary presentations on the situation in Guinea-Bissau. Cameroon would like to reiterate its strong disapproval of the 14 September military coup d'état that brought about on 17 September the resignation of President Kumba Yalá. We take note of that resignation and we cannot but take note of the appointment of a civil transitional Government with a civilian president and a civilian prime minister. Our best wishes of success go to the transitional Government.

We are gratified to see that the military junta has refrained from staying in power during the transitional period and has thus opened the way to the rapid restoration of constitutional order in Guinea-Bissau and made it possible for an exit from the crisis. I would like to pay tribute to the prompt diplomatic action of the presidents of Ghana and Nigeria, as well as of the president of Senegal, who visited Bissau and persuaded General Correia Seabra, the self-proclaimed President, to hand over power to a civilian Government. We also commend the ECOWAS initiative as well as that of the African Union who sent a joint mission to Guinea-Bissau.

This time, and from now on, the army must keep the promise it made in June to the Council's mission to West Africa not to intervene in the political process and to serve the constitutional authorities with loyalty. The unconstitutional change of power has far from miraculously eliminated the many problems that Guinea-Bissau will have to solve in partnership with the international community if it wishes to consolidate peace in the country.

The socio-economic crisis remains unchanged, with the additional social tensions born from the crisis. More than ever before, Guinea-Bissau requires the assistance of the international community, not only to put the electoral process back on track and to shorten the transitional period, but also to prevent the same causes from producing the same effects once again.

We have no set idea about the duration of the transition but we feel that the required attention must be given both to the proposals in the transitional agreement handed over to the military junta by the transitional committee, presided over by the Archbishop of Bissau, and to the opinion expressed by ECOWAS.

The Council should encourage all concerned parties to continue to carefully follow the situation as it develops — particularly the African Union, ECOWAS, the Community of Portuguese-Speaking Countries, the Economic and Social Council Ad Hoc Advisory Group on Guinea-Bissau, the Group of Friends of Guinea-Bissau and the Ad Hoc Working Group of the Security Council on Conflict Prevention and Resolution in Africa, chaired by Ambassador Gaspar Martins.

Mr. Muñoz (Chile) (*spoke in Spanish*): At the outset, we would like to thank Mr. Kalomoh for his thorough briefing on the current situation in Guinea-Bissau. We would also like to thank the Minister for Foreign Affairs of Timor-Leste, Mr. Jose Ramos Horta, Special Envoy of the Community of Portuguese-Speaking Countries, for his excellent statement.

Chile condemns the resolution of the situation in Guinea-Bissau by force and would like to point out that all coups d'état should be repudiated, whether bloodless or violent. We recognize, however, the fundamental role played by the Economic Community of West Africa States (ECOWAS). It is a positive sign and shows Africa's desire to take responsibility for resolving its own problems.

Thanks to the intervention and approach of ECOWAS, there has been a positive turn of events after the coup. We welcome the agreements that have been reached, the signing of the Transitional Constitution and the commitments concerning the holding of elections as well as the appointment of an interim President and Prime Minister.

However, as several delegates around the table have said, we believe that it is important for the Security Council to continue to very closely monitor the situation, together with ECOWAS, to help to

prevent the future interim Government from making the same mistakes as the previous Government — in particular, failing to establish conditions for elections by secret ballot that are genuinely democratic, free and timely.

Mr. Arias (Spain) (*spoke in Spanish*): We are grateful to Mr. Kalomoh and the Minister from Timor-Leste for their statements on the situation in Guinea-Bissau.

We condemn the coup d'état that took place on 14 September, although we are pleased to see that there were no victims and that former President Kumba Yalá preferred to relinquish his post after a period of political and economic instability.

We appeal to the military authorities to reinstate constitutional rule of law without delay. To this end, we welcome the appointments made yesterday to set up a provisional transitional Government. The restoration of civilian transitional institutions should contribute to the process of national reconciliation and lead to free and democratic elections in the short term and, ultimately, the election of a new President of the Republic.

Finally, we would like to appeal for the provision of emergency assistance to Guinea-Bissau, which is faced with a steadily worsening economic and social situation.

Mr. De La Sablière (France) (*spoke in French*): I, too, would like to thank the Assistant Secretary-General for Political Affairs, Mr. Kalomoh, for his thorough briefing, which gave us much information on the situation on the ground, and the Special Envoy of the Community of Portuguese-Speaking Countries, Mr. Ramos Horta, who made a very useful contribution to the work of the Council this morning.

France condemned the coup d'état that took place on 14 September along the lines of the principles established by the African Union. We support the approach taken by the Economic Community of West African States (ECOWAS), and we also believe that it was good that the Security Council affirmed in its previous statement that in such situations regional and subregional organizations could be of great assistance. ECOWAS has shown over the past few years the extent to which its contribution could be useful.

Like those who have preceded me, I believe that, despite the developments that have been described to us as little cause for alarm, it is important that the Security Council should follow the situation closely. We have therefore taken note of the information given us this morning on the resignation of President Kumba Yalá and the transition arrangements. It seems that the path is now clear for restoring constitutional order, but the civilian transitional authorities must do everything that they can to ensure prompt, fair, credible and transparent legislative elections, which have been scheduled for 12 October. In that respect, I would like to take up the question posed by Ambassador Konuzin: It would be good to know what the United Nations can do to help to ensure that the deadline that has been set is met.

Mr. Sow (Guinea) (*spoke in French*): The present consultations on recent developments in Guinea-Bissau come at the right time. My delegation would like to express its gratitude to you, Mr. President, and to thank Mr. Kalomoh for the excellent and thorough briefing that he has just given us on this issue. I would also like to convey my appreciation to Minister Jose Ramos Horta for his interesting statement. I welcome the presence today of our colleague Mr. Cabral, the Permanent Representative of Guinea-Bissau to the United Nations.

Given the precariousness of the situation and uncertainty prevailing in Guinea-Bissau, the Council must assume its principal responsibility for managing conflict and restoring order. We must rise to the challenge by being ever more vigilant and regularly monitor the developments under way to better grasp the situation.

The overthrow of President Kumba Yalá during the night of 13 and 14 of September by a military committee that took it upon itself to claim that it was restoring constitutional order and democracy once again shows that, in Africa, only a collective and firm response by the member States of the neighbouring countries, the subregion and the entire continent is up to the task of opposing a coup d'état and preventing it from succeeding. We therefore welcome the vigorous and prompt action taken by the Economic Community of West African States (ECOWAS), the African Union and their member States to safeguard legality and to ensure the gradual restoration of constitutional order in Guinea-Bissau.

My delegation also welcomes the positive contribution made by the United Nations and by the

Portuguese-speaking countries to stabilize the situation. President Kumba Yalá's relinquishing of power — which he did, as he said, for the greater good of the people, for peace and for national unity — and the appeal he launched for the immediate establishment of a civilian government of national unity, as well as for the holding of general legislative elections according to an agreed timetable, have been favourably received by the people of Guinea-Bissau, the countries of the subregion and a number of members of the international community.

All of this has helped the negotiations and facilitated the signing of a transitional political charter by the political leadership of Guinea-Bissau.

Relative peace has been restored, and the troops have returned to their barracks. This is a step in the right direction — a step that needs to be consolidated through robust political, economic and social measures that will mobilize the participation and full support of the international community and of aid organizations.

Today more than ever, Guinea-Bissau needs the support of the international community in its efforts at economic and political reconstruction. The failure of President Kumba Yalá, stems, in our opinion, from a chaotic political transition and from disappointing methods of governance and socio-economic results, as well as from a lack of external diplomatic and financial support, as is well known.

Promises were made in many bilateral and multilateral forums, but these have not been translated into facts on the ground. That is why Guinea-Bissau, three years after having embarked on the democratic process, following pluralist elections that were judged free and transparent, which were held on 16 January 2000, remains in the grip of a severe crisis and in a state of near-paralysis. All of this, added to an explosive social situation characterized by excessive arrears in the salaries of civil servants, opened the door for the coup plotters, who used as a pretext the desire to shield Guinea-Bissau from another civil war.

How then can we not agree with the Secretary-General's analysis of the situation, when, in his statement before the Council on justice and the rule of law, he said that

> "elections held when the rule of law is too fragile seldom lead to lasting democratic governance. In addressing these issues, sensitive questions are involved — questions of sovereignty, tradition and security, justice and reconciliation. The task is not simply technically difficult. It is politically delicate." *(S/PV.4833, p. 2)*

The example of Guinea-Bissau is a test case for our Council as to the relevance and validity of the mechanisms that should be put in place during a political transition period in a poor country, one that is beset by many tensions and one that, by the way, does not receive any financial assistance from the International Monetary Fund or the World Bank.

The Security Council should therefore commit itself fully, along with ECOWAS and the African Union, to helping Guinea-Bissau to operationalize the institutional machinery for its transition, with a view to the holding of legislative and presidential elections that will lead to greater stability and therefore to peace and development.

In short, to help a new era emerge in Guinea-Bissau and in West Africa, sustained efforts must be made in order better to coordinate the economic recovery and political reconstruction programmes established by the Economic and Social Council, with the assistance of the development partners and in conjunction with the decisions that will be surely taken by the Security Council in future in order to help consolidate peace and prevent chaos.

We support the mobilization of international support for the civilian transitional authorities and welcome the extension of the mandate of the Peace-Building Support Office in Guinea-Bissau. We hope that this item will be given priority status on our agenda.

Mr. Atieh (Syrian Arab Republic) (*spoke in Arabic*): My delegation thanks Mr. Kaiomoh, Assistant Secretary-General for Political Affairs, for his detailed briefing on the latest developments in Guinea-Bissau. We also welcome the Foreign Minister of Timor-Leste, Special Envoy of the Community of Portuguese-Speaking Countries. We thank him for his detailed briefing.

The situation in Guinea-Bissau is undoubtedly very difficult indeed — politically, economically and socially, following the coup d'état in that country. We believe that the crisis must be dealt with before it turns into a catastrophe whose consequences cannot be contained. We look forward to quick settlement of

current political differences in Guinea-Bissau, and we also look forward to a return to constitutional order and to the holding of elections, we hope, in the next few months.

My delegation supports the role of the United Nations Peace-Building Support Office in Guinea-Bissau as well as the important role being undertaken by the African Union and the Economic Community of West African States (ECOWAS) to assist in the stabilization of the situation in Guinea-Bissau.

We support other delegations that have called on the international community to provide emergency economic assistance to Guinea-Bissau in order to enable the country to overcome this difficult transitional period and to prevent further economic and social chaos.

Mr. Zhang Yishan (China) (*spoke in Chinese*): I wish to thank Assistant Secretary-General Kalomoh for his briefing on the situation in Guinea-Bissau. I wish also to thank the Minister for Foreign Affairs of Timor-Leste, Mr. Jose Ramos Horta, Special Envoy of the Community of Portuguese-Speaking Countries. We welcome his presence as well as his presentation.

China is concerned about recent developments in Guinea-Bissau. However, we have noted recent changes in the situation, including the appointment of an interim President and an interim Prime Minister. Representatives from various parties are engaged in talks about matters relating to the transitional period. We hope that the situation will be restored to normal and that the economy will be rehabilitated and developed.

China appreciates the constructive role played by the Economic Community of West African States and the Community of Portuguese-Speaking Countries in finding a solution to the crisis in Guinea-Bissau. The question of Guinea-Bissau demonstrates once again the importance of the development of the economy and the interdependence of political and economic issues. The international community has the obligation to increase its economic and financial assistance to Guinea-Bissau in order to eradicate the difficulties faced by the people so that the country can advance on its path to normalcy and healthy development. China stands ready to work with the United Nations and regional organizations for an early solution to the question of Guinea-Bissau.

Mr. Aguilar Zinser (Mexico) (*spoke in Spanish*): Like preceding delegations, we would like to warmly thank Assistant Secretary-General Mr. Tuliameni Kalomoh and the Minister for Foreign Affairs of Timor-Leste, Mr. José Ramos Horta, for the information that they have provided to the Council and for the perspectives they offered for the restoration of democratic order in Guinea-Bissau.

When the joint Economic and Social Council-Security Council mission visited Guinea-Bissau, we took note of the fragility of the process. We spoke with the military authorities, political parties and Government officials, and we noted that the process was fragile and that there were imminent risks.

In our assessment we underline, as other Council members already have, that the economic and social situation of Guinea-Bissau and the conditions in which the Government operated augured serious problems if emergency economic assistance — which was and still is necessary — was not provided.

My Government condemns and regrets the coup d'état that took place in Guinea-Bissau. We believe it is a breach of constitutional order that cannot be considered a starting point for establishing a democratic Government. However, given the critical conditions existing in Guinea-Bissau, we appreciate the efforts of the African Union, the Economic Community of West African States (ECOWAS) and the Community of Portuguese-Speaking Countries (CPLP) to ensure that even in those circumstances, the political process will be restored and the necessary internal agreements and consensus will be reached, enabling the holding of legislative and presidential elections.

We regret that the elections have been delayed beyond the date announced during the Economic and Social Council and Security Council mission. However, we understand that holding those legislative elections, the first step for the restoration of constitutional democracy in Guinea-Bissau, requires the support and participation of all political forces and the full trust of the citizens.

We consider that a basic first task of the United Nations lies in that process. We believe that the United Nations, in conjunction with the African Union, ECOWAS and the CPLP, is the most suited to ensuring in those circumstances that the population and the political parties of Guinea-Bissau view the process of legislative elections as the solution the country

requires. There is much that the United Nations and the international community can do to focus and strengthen the transparency and fairness of the process and to ensure the participation of all citizens. We hope that the United Nations will organize the efforts of the international community in support of, first, the legislative elections and then the presidential elections, to which it now appears the new authorities Guinea-Bissau are committed. We also underline that the international community's vigilance will be indispensable in the coming months to ensure that the difficult economic and social conditions prevailing in Guinea-Bissau do not aggravate the political crisis.

It is very important for the international community to be active in Guinea-Bissau by fulfilling its previously pledged obligations and offers of economic assistance. It should be a priority of United Nations action to help ensure that this economic assistance is in fact delivered and that the instruments of the international community ensure that the economic aid is used for the purposes for which it was intended. We believe that one of the reasons why there has been some delay in the arrival of economic assistance to Guinea-Bissau is because donors were not fully confident that those resources would be put to their intended use. Now, in the new circumstances, we should redouble our efforts so that, with the support of the African Union, ECOWAS and the CPLP, the United Nations can play an important role in ensuring that the resources provided in fact serve the ends for which they were intended.

Guinea-Bissau is part of a region that is going through difficult circumstances. To allow Guinea-Bissau to go adrift at this moment, when it is confronted with the economic and social problems and the political crisis, would perhaps create a more fertile ground for the violence that has unfortunately developed in Western Africa in recent years. During our visit to Guinea-Bissau, we did not fail to notice the great number of unemployed young people lacking dignified living conditions in the economic conditions in their country, who could potentially be victims of violence, leading to situations similar to those the Council saw in neighbouring countries.

In conclusion, my delegation believes that attending to the problems in Guinea-Bissau, from an international perspective of conflict prevention and of resolving the dispute that arose there, calls for coordinated efforts among the agencies involved and the organs working at the regional level and at the level of the United Nations.

My country therefore hopes that the Security Council will continue to work closely with the Economic and Social Council's Ad Hoc Advisory Group on Guinea-Bissau, the Group of Friends of Guinea-Bissau and the United Nations Peace-building Support Office in Guinea-Bissau to ensure the effective work of all actors according to their areas of competence. In our case, that is restoring peace and security; for the Economic and Social Council it is creating conditions conducive to sustainable economic and social development. Working together we will be able to find an answer to the situation prevailing in that country.

The President: As all the comments that I would have made in my national capacity have already been made by other speakers, I now give the floor to the representative of Guinea-Bissau.

Mr. Cabral (Guinea-Bissau) (*spoke in French*): On behalf of my delegation, I should like to thank you, Mr. President, for the opportunity you have provided us today to participate in this meeting on the situation prevailing in Guinea-Bissau. Indeed, we are indebted to Council members for their interest in our country, a small country in difficulty — I would even say a country in distress. That concern has never wavered, and I believe that the statements we heard this morning strengthen us in the conviction that, with the help of the Security Council and of other members of the international community, we will be able to meet the challenges and to return to what we have always wanted: to re-establish constitutional order in our country and to create conditions for a genuine democracy.

I should like to tell the Council that, by electing President Kumba Yalá in January 2000, the people of Guinea-Bissau had hoped that it would be possible for the country to choose democracy once and for all. The people of Guinea-Bissau had hoped that it would be possible for all the conditions to be created so that participatory democracy could see the light of day in our country. The people of Guinea-Bissau had hoped that it would be possible — through rigorous management of our country's scant resources — to ensure the equitable distribution of those resources.

The circumstances that we are experiencing today are the direct consequence of poor management of the

affairs of State. I should like to thank Mr. Kalomoh, Assistant Secretary-General for Political Affairs with responsibility for Africa, for the information that he was kind enough to bring to the Council's attention. I believe that that information has convinced Council members once again of the gravity of the situation prevailing in our country. But Mr. Kalomoh's briefing also confirmed a factual situation on which the successive reports of the Secretary-General have updated the Council: chronic instability in a country facing grave economic and financial difficulties.

I should also like to thank the Minister for Foreign Affairs of the Republic of Timor-Leste, our great friend and brother Mr. Jose Ramos Horta, who, on behalf of the Community of Portuguese-Speaking Countries, led a mission in Guinea Bissau. But it was not only in that capacity that he went to Guinea-Bissau. He went as a true brother, as an expert on the situation in Guinea-Bissau and on the psychology of the country's inhabitants. Above all, he went with the intention of understanding how to able to give us the most appropriate advice. That is what he did, and we thank him for it.

I should like to thank all of those who have gained a better understanding of the situation in Guinea-Bissau. I want to mention the Economic and Social Council's Ad Hoc Advisory Group and the Security Council's Ad hoc Working Group on Conflict Prevention and Resolution in Africa. I want to mention earnestly and with great gratitude the Group of Friends, under the dynamic leadership of the Ambassador of Gambia, for its unceasing efforts to ensure that Guinea-Bissau is better understood and thus can be adequately assisted.

We are faced with a humanitarian situation. It is true that a coup d'état took place in Guinea-Bissau. We understand all those who — along with you, Mr. President, and other Council members — condemned that act. We deplore the fact that it was necessary to resort to that kind of change in our country. The Military Committee itself recognized that. I saw its communiqué, in which it recognizes that any change of the constitutional change by force is to be condemned. But there are circumstances in which one must do what is necessary to understand what is happening in a country. Ambassador Zinser just recalled what he himself and his colleagues verified in Guinea-Bissau: an instability, a situation whose precariousness was a harbinger of the situation that we are experiencing today.

We must avoid the temptation to make a comparison that is sometimes not so exact. We are not in favour of coups d'état. But I must say that the situation in Guinea-Bissau is not similar to the one prevailing in the Central African Republic. The people of Guinea-Bissau welcomed the coup, because the people of Guinea-Bissau — whose dignity everyone recognizes — had experienced and silently endured unspeakable difficulties. One cannot ask a nation to suffer forever. One cannot ask heads of families who are not in a position to ensure their children's survival to continue to tighten their belts. There are limits. We had hoped that it would be possible for those changes to take place differently.

Today, we are here to ask the international community to understand the situation in Guinea-Bissau and to help us ensure that the changes we wish — and that we will carry out — can be made in calmness and stability, and that all the participants, both political parties and members of civil society — the whole population in general — can participate in the rigorous management of a poor country that wants to get back on its feet. I believe it is perhaps that aspect that should hold the international community's attention. Our decision and our commitment to do everything we can so that the country can get back on its feet, so that we can put the country back on track — that is to say, our commitment to the democratic path — is expressed by the fact that, through consultation, cooperation and in-depth discussion, all the participants and actors in Guinea-Bissau's political life agreed on a transitional charter. The charter is clear and precise; it unequivocally specifies all the steps that must be undertaken for the country to restore the constitutional order that we all want.

The Military Committee for the Restoration of Constitutional and Democratic Order understood that it was necessary and in conformity with international principles for the country to be ruled by civilians. The political parties recognized that it was indispensable for everyone to put the country ahead of their own individual interests. Civil society is now, more than ever, determined to participate in the strict management of the affairs of our country.

It is always difficult to accept this type of change, but I believe that we must, as Mr. Kalomoh has

indicated, make the necessary effort to understand that there is a process of "give and take", which should lead us, in the near future, to a return to constitutional order and democracy.

For now, with your help and that of the entire international community, we hope it will be possible to mobilize the necessary resources, because nobody can be expected to perform miracles. In a country that is suffering, as our country is, a country that finds it very difficult to reestablish itself, it should be easy to understand that it is urgently necessary to provide the necessary financial assistance to this country so that it can be up and running again shortly.

The United Nations, whose role has been under discussion, has established through the United Nations Development Programme (UNDP) an Emergency Economic Management Fund. If money is added to the Fund quickly, that would help our country meet some of its pressing financial needs right now.

I would like to now thank UNDP and its representative in Guinea-Bissau for his useful and effective role and the courage which he has displayed in the discharge of his duties. I would like to pledge to you, Sir, that we will do our utmost to be worthy of the trust of the international community and that everything will be done, with the assistance of one and all, so that the country will return to true democracy and so that finally we will be able to devote our energies and skills and the scant resources of our country to the disposal of a people that really needs it and which merits help.

The President: I now call on Assistant-Secretary-General Kalomoh to respond to the comments made and to the questions raised.

Mr. Kalomoh: First, let me thank members of the Council for the kind comments made towards our Office in Guinea-Bissau and the excellent work that we are performing.

I wish to respond to a comment made by the distinguished representative of Russia, echoed by the representative of France, regarding the role of the United Nations in ensuring that elections take place as planned. While we all recognize that the primary responsibility for creating an enabling environment lies with the leaders in Guinea-Bissau, I believe it will be expected of us to remain vigilant, to monitor the situation as it evolves and to continue to support the efforts of the national leaders as they forge ahead making preparations for the elections in the time frame they have been given and ensuring that they keep their commitment to the deadline they have established. We also believe that the subregional leaders will continue to support the efforts of the leaders of Guinea-Bissau and to hold them to their commitments keep to the deadlines established to hold the elections.

There are a number of factors that need to be given constant attention. One, obviously, is the support of the donor community to the electoral process. As the Ambassador of Guinea-Bissau has just indicated, the United Nations has made arrangements, through UNDP, in support of the electoral process.

There is another factor that may influence the timing of the election and that is the salary arrears. The Secretariat and the group of friends of Guinea-Bissau and the ad hoc committee of ECOSOC, are trying to mobilize resources from donor countries to support the Government of Guinea-Bissau in paying salary arrears. We recognize that some donors have difficulty in providing budgetary assistance, but we hope they will be flexible and pragmatic to see how they can best respond to these budgetary difficulties.

We take note, with appreciation, of the emphasis made by almost all the speakers on the need for stability. The international community has invested a lot of resources and energy in the electoral process in Africa and elsewhere. But, we have all come to realize that, in and of themselves, elections do not provide stability. It is the sustained efforts to support the development programmes of countries, particularly those countries emerging from conflict, that will guarantee stability. At least, it is in that vein that we believe it is very essential for the international community to remain engaged in support of the people and the Government of Guinea-Bissau to develop its weak State structures, so that they can support the future elected Government. Without that support, as we were reminded by the representative of Pakistan and the representative of Guinea-Bissau, yesterday it was President Vieira, today President Kumba Yalá, tomorrow the next leader. Therefore, in the absence of sustained support, the instability will continue.

To recapitulate, I simply want to say that the United Nations is involved in mobilizing support, we have made some arrangements with UNDP that support the electoral process, and we are satisfied that, should

the conditions for holding elections continue to prevail, we will be adequately prepared to provide that support.

Mr. Konuzin (Russia) (*spoke in Russian*): As I recall, the elections in Guinea-Bissau were scheduled for 14 October and some money was allocated by the donors to prepare for these elections. I am interested in knowing whether you have some information, whether this money actually reached its destination and has it begun to be spent? Has there been some preparatory work for the elections, such as the registration of voters? Is more money needed to prepare for the elections?

I understand that it may not be possible to provide an immediate reply today, but I would be very grateful to the Secretariat if, the next time we receive a briefing on this subject, it could provide a rather detailed account of how the United Nations and its agencies are participating in the democratic process in Guinea-Bissau and of what means are available and what resources are required.

Mr. Kalomoh: If elections were held on 12 October, we would have the necessary resources to support them. I should say that that we have received generous pledges. Some have been redeemed and some have not because of the postponement uncertainties. We have made arrangements to ensure that resources provided for the elections have been managed by the United Nations Development Programme (UNDP) and therefore respond to the legitimate concerns of the donors that they might not be used for the purposes for which they were given.

We promise that we will provide details about the role we are playing and which fields of society we are providing with assistance when we next brief the Council. We have, however, been satisfied with the response of the donors and with the management of resources within the UNDP office in Guinea-Bissau.

The President: The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 12.05 p.m.

United Nations S/PV.4835

Security Council

Fifty-eighth year

Provisional

4835th meeting

Tuesday, 30 September 2003, 10 a.m.

New York

President:	Sir Emyr Jones Parry	(United Kingdom of Great Britain and Northern Ireland)
Members:	Angola	Mr. Gaspar Martins
	Bulgaria	Mr. Yotov
	Cameroon	Mr. Belinga-Eboutou
	Chile	Mr. Muñoz
	China	Mr. Zhang Yishan
	France	Mr. Duclos
	Germany	Mr. Much
	Guinea	Mr. Boubacar Diallo
	Mexico	Mr. Aguilar Zinser
	Pakistan	Mr. Khalid
	Russian Federation	Mr. Karev
	Spain	Ms. Menéndez
	Syrian Arab Republic	Mr. Mekdad
	United States of America	Mr. Rostow

Agenda

Justice and the Rule of Law: the United Nations role

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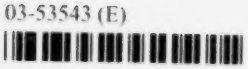

The meeting was called to order at 10.15 a.m.

Adoption of the agenda

The agenda was adopted.

Justice and the Rule of Law: the United Nations role

The President: I should like to inform the Council that I have received letters from the representatives of Argentina, Australia, Austria, Azerbaijan, Bahrain, Brazil, Canada, the Democratic Republic of the Congo, Denmark, Finland, Italy, Japan, Jordan, Liechtenstein, New Zealand, the Philippines, the Republic of Korea, Romania, San Marino, Serbia and Montenegro, Sierra Leone, Sweden, Switzerland, Trinidad and Tobago, and Uruguay in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Cappagli (Argentina), Mr. Dauth (Australia), Mr. Pfanzelter (Austria), Mr. Aliyev (Azerbaijan), Mr. Almansoor (Bahrain), Mr. Sardenberg (Brazil), Mr. Heinbecker (Canada), Mr. Ileka (Democratic Republic of the Congo), Ms. Løj (Denmark), Ms. Rasi (Finland), Mr. Spatafora (Italy), Mr. Haraguchi (Japan), Mr. Al-Hussein (Jordan), Mr. Wenaweser (Liechtenstein), Mr. MacKay (New Zealand), Mr. Baja (Philippines), Mr. Kim (Republic of Korea), Mr. Motoc (Romania), Mr. Balestra (San Marino), Mr. Šahović (Serbia and Montenegro), Mr. Kanu (Sierra Leone), Ms. Fogh (Sweden), Mr. Helg (Switzerland), Mr. Gift (Trinidad and Tobago) and Mr. Palolillo (Uruguay) took the places reserved for them at the side of the Council Chamber.

The President: In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations.

There being no objection, it is so decided.

I invite Mr. Guéhenno to take a seat at the Council table.

The Security Council will now continue its consideration of the item on its agenda.

May I start by saying how welcome Jean-Marie Guéhenno is with us as the Under-Secretary-General for Peacekeeping Operations. I understand that he and his colleagues are ready to answer questions which may arise during the discussion.

The Secretary-General spoke last week of the heavy responsibility of the Council in the promotion of justice and the rule of law. As he said, the rule of law is not a luxury, and justice is not a side issue. It was that conviction that led us, as the presidency, to bring this issue before the Council. We are grateful for the contributions that were made by Council members last week, but we have never seen this as an issue exclusively for the Council. Last week's meeting was the start of a process. The second stage of that process is the debate that we are about to engage in. Today the wider United Nations membership and other parts of the United Nations system with relevant expertise have an opportunity to contribute to the process of reflection and analysis that we began last week. We very much hope that this will lead, under the guidance of the Secretary-General's further contributions, to a more effective and efficient handling of justice and rule of law issues in the work of the Council and, perhaps more importantly, in the wider United Nations system and the international community generally, so that we will be better prepared to confront problems when they arise.

This discussion provides an ideal opportunity to hear the views of the wider membership. I would like simply to note that there are 25 speakers on the list, which means that if each one speaks for five minutes, the meeting will last for two hours and 10 minutes, whereas if each one speaks for 10 minutes, the meeting will last for four hours and 20 minutes. That is the mathematics of it. I therefore appeal to speakers to be as concise as possible. There is absolutely no impediment to the subsequent circulation and distribution of written texts, all of which will be studied by the presidency and the Secretariat as part of the follow-up.

In order to optimize the use of our time, I will not individually invite speakers to take seats at the table. When a speaker is taking the floor the Conference Officer will seat the next speaker on the list at the table.

I first give the floor to Mr. Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations.

Mr. Guéhenno: I would to thank the United Kingdom, as the presidency of the Security Council, for having convened the meetings on justice and the rule of law. I am heartened that the ministerial meeting last week, and earlier consultations in the special committee, suggest emerging unanimity among Member States about the critical role of the rule of law in building a sustainable peace in post-conflict settings.

I am speaking today on behalf of several United Nations departments within the Secretariat and United Nations entities that are engaged in supporting justice and the rule of law in post-conflict societies, among them the Department of Political Affairs, the Office of the High Commissioner for Human Rights, the Office of Legal Affairs and the Department of Peacekeeping Operations.

The restoration of the rule of law is a sine qua non for the sustainable resolution of conflict and the rebuilding of secure, orderly and humane societies. If the aim of the United Nations is to prevent conflict and relapses into conflict, it seems self-evident that promotion of the rule of law should be among the priority concerns of the international community.

Too often, however, we have failed to give this critical sector the importance it is due. Too often, our rule-of-law activities have been considered a subset of our so-called real mandate — either because we were not provided with an adequate mandate to carry out rule-of-law activities in a comprehensive manner, because we had done insufficient planning to be able to hit the ground running, because we had inadequate access to resources and expertise — or for all of those reasons.

We have witnessed, time and again, a population's loss of faith in a peace process owing to the absence of security and lack of accountability for criminal acts. We have been present in countries where, even a year into the peace process, courts do not function in even a rudimentary way; lawyers, prosecutors and judges are scarce or untrained; and the population feels it has no real recourse under the law.

We can no longer afford to treat the rule of law as a side activity in which we engage alongside political objectives. In many cases, it lies at the heart of the success or failure of our peacekeeping operations. It is time, therefore, to fundamentally rethink the way in which we address the rule of law in post conflict societies.

This does not mean that the United Nations has neglected the rule of law. On the contrary, many parts of the system have worked in this field for years, and our multidimensional peacekeeping operations demonstrate our broad involvement in the promotion of the rule of law. From policing, judicial reform and corrections, to child protection, human rights and electoral assistance, our operations worldwide are engaged in a range of activities aimed at reinforcing justice and the rule of law. Much of this work is carried out in a system-wide partnership and with our non-governmental organization partners. Yet, in spite of the efforts expended, the results of our work have been decidedly mixed.

In some cases, the failure of a peace agreement to address rule-of-law concerns has tied the hands of the United Nations. It is essential, therefore, to ensure that the rule of law figures more prominently from the early stages of peace negotiations onwards.

Equally, the rule of law must be recognized as a key element of any post-conflict effort — and this must be reflected by political actors and donors when drafting peace agreements, adopting and interpreting peacekeeping mandates and funding programmes. This issue surfaced in Bosnia and Herzegovina, for example, when ambiguities in the United Nations mandate were interpreted very narrowly as being limited to traditional policing functions, rather than including broader support for the justice sector. It was not until July 1998 — two and a half years after the Dayton Peace Agreement — that the Security Council passed a resolution that specifically referred to legal reform and authorized the United Nations Mission in Bosnia and Herzegovina to engage in monitoring and assessment of the judicial sector. The loss of valuable time may explain why we were unable to achieve the same level of progress in the judicial sector as we did with the police.

In contrast, transitional administrations in Kosovo and East Timor have provided the United Nations with broad mandates and authority in the area of the rule of law, bringing to light a number of important lessons and paving the way for subsequent operations that dealt more effectively with that crucial sector. In the case of Kosovo, Member States were not organized to provide us with qualified personnel, especially police, quickly enough, which slowed our deployment. As the first of two interim administration missions, we had not appreciated the need for international judges and prosecutors or a full cadre of corrections personnel. We lacked budgeted funds even to provide pencils and paper to the new national judiciary. We were unsuccessful, for several months, in appointing a sufficient number of local judges and prosecutors to get the judicial system up and running.

After a difficult start, international judges and prosecutors are now active in Kosovo, handling the most sensitive war crimes and inter-ethnic crime cases. As a check on corruption and misconduct, we have instituted a Judicial and Prosecutorial Council, which is involved in the appointment of judges and prosecutors and in disciplinary matters. Pillar III of the United Nations Interim Administration Mission in Kosovo (UNMIK), which is led by the Organization for Security and Cooperation in Europe, has established a judicial training centre, a trial monitoring programme, a Criminal Defence Resource Centre and an Ombudsman Institution. It has also assisted the Kosovo Bar Association in restarting its activities.

Despite these successes, UNMIK has difficulty recruiting qualified international judges and prosecutors. Ethnic bias can still taint cases handled by the local judiciary. And the recent riot, and tragic deaths, in the Dubrava prison, represent a serious setback in our efforts to develop and administer the corrections system.

Since the establishment of the missions in Kosovo and East Timor, we have learned — perhaps the hard way — that significant assistance in the judicial and corrections areas should not be limited to interim administration missions.

At the same time, it has become clear that United Nations effectiveness in promoting the rule of law in many parts of the world has been hampered by the inadequacy of our mandates and resources, both at Headquarters and in the field. Indeed, while the Security Council recognizes that activities such as disarmament, demobilization and reintegration, elections and policing are essential elements of a peacekeeping mandate, other rule-of-law activities are often included only in relation to law enforcement efforts.

I cannot overemphasize, however, that the maintenance of peace and security requires the establishment of the rule of law in post-conflict settings; and the establishment of the rule of law requires more than just a focus on policing. It requires that all components of the criminal justice chain — the police, the judiciary, the defence bar, prosecutors and corrections — be included and funded.

In the case of Liberia, the Secretary-General recommended that we address the criminal justice chain in a comprehensive manner, and those recommendations were adopted, albeit with some hesitation, by the Security Council. Liberia will be a real test of our ability to move beyond a piecemeal approach to the rule of law and lay the foundations for a truly just and peaceful society.

In addition, focusing on the full criminal justice chain may prove to be a more effective and efficient use of resources which, in the long run, does more to prevent relapse into conflict and saves both dollars and lives. And, as far as costs are concerned, judicial and corrections mission components are quite small when compared with the more substantial costs of deploying large military forces or police-training and restructuring programmes. In short, support for the rule of law is a good investment.

In light of last week's ministerial statements, let me highlight some of the steps that we have taken over the last year to enhance our rule-of-law capacities. And today is a fitting day to do so, given that it was one year ago today that the Executive Committee on Peace and Security (ECPS) approved the recommendations of its rule-of-law Task Force.

Recognizing the need for peacekeeping operations to address the entire criminal justice chain, we established, in February, the Criminal Law and Judicial Advisory Unit within the Civilian Police Division of the Department of Peacekeeping Operations, with two staff members dedicated to criminal law, judicial and corrections issues. This is a good start, but in order to make good on our stated

commitment to the rule of law, the Unit will need significant additional resources.

Rule of law focal points in 11 United Nations departments and agencies now confer regularly on rule-of-law issues that arise in peacekeeping. It remains to be seen, however, whether the network will fulfil its potential of providing support to the Unit on the core aspects of its rule of law work, as the ECPS Task Force recommended.

We are, however, beginning to see concrete results from this initiative, providing evidence of the degree to which the rule of law has come to be recognized as a standard element of peace-building efforts. Recently, for example, we have conducted rule-of-law assessments in Afghanistan, Iraq, the Democratic Republic of the Congo — in Bunia specifically — Liberia. Those in the Democratic Republic of the Congo and Liberia were conducted, probably for the first time, by police, judicial and corrections experts working together in an integrated fashion, as had been recommended by the Brahimi panel report.

The Criminal Law and Judicial Advisory Unit is also exploring the desirability of establishing a Rule of Law Trust Fund as one way to draw upon the resources and the expertise of entities outside the United Nations system — including governmental, non-governmental and intergovernmental organizations — to support rule-of-law aspects of peace operations. In the coming months, we hope to discuss with interested Member States our recommendations on how best to designate voluntary funds — through existing or new mechanisms — for rule-of-law initiatives in peace operations.

I will now turn to the subject of post-conflict justice. By this, I mean the process whereby those who have committed the most serious violations of international humanitarian law — genocide, war crimes, crimes against humanity and grave breaches of the Geneva Conventions — are held accountable and punished.

The United Nations has attempted to meet the challenge of post-conflict justice in the former Yugoslavia, Rwanda, Kosovo, East Timor, Sierra Leone and Cambodia. Both the United Nations and the Security Council can draw a number of useful lessons from these experiences.

First, the international tribunals that the United Nations has established, or helped to establish, have proved that it is possible to deliver impartial criminal justice on the international plane.

By and large, though, the international tribunals have so far not always proved to be efficient or effective instruments for prosecuting and trying those suspected of the most serious crimes, and they have been too slow and too costly. This is certainly so in the case of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR), and it appears that the same might prove true in the case of the Special Court for Sierra Leone.

Secondly, if the international community limits its response to post-conflict situations to the creation of traditional criminal justice mechanisms such as courts, focused on delivering retribution and meting out punishment, then it will fail to respond to many of the expectations that victims and "victim societies" have concerning mechanisms of post-conflict justice, in particular reparation, a full accounting of what happened and national reconciliation.

Among other judicial or quasi-judicial mechanisms, truth and reconciliation commissions seem to offer the best prospects for meeting the various expectations and demands both of individual victims and of the societies from which they come. But if courts alone are not enough, neither are truth and reconciliation commissions.

Thirdly, creating specialized courts, whether at the international or the national level, does little to help re-establish the rudiments of the rule of law in post-conflict societies. Indeed, creating such specialized institutions may divert resources from support for the rebuilding and operation of the "ordinary" court system.

Ideally, these crimes should be addressed within the framework of the ordinary court system, which may require the assignment or the allocation of prosecutors and judges who have the requisite expertise and other forms of specialized assistance.

There is much that the Security Council can do to facilitate our efforts in the field of the rule of law. In terms of addressing post-conflict justice, the practical lesson to be drawn is that we should conduct case-by-case assessments of the range of mechanisms available,

rather than relying solely on the establishment of ad hoc institutional mechanisms. In addition, there should be a move towards broader assistance and support to national justice systems.

We must also ensure that any amnesty clauses in peace agreements exclude amnesties for war crimes, genocide, crimes against humanity and other serious violations of international human rights and humanitarian law. When domestic justice capacities have collapsed, we must mandate interim measures, including international support for the establishment of temporary courts, policing capacities and detention facilities, and the provision of provisional codes for criminal law and procedure.

Our assessment report for Liberia offers another example of how Member States can help bolster our achievements in the rule of law. It recommends components that would assist in the training of Liberian legal professionals, provide advisers to work alongside national counterparts in judicial reform efforts, engage in trial monitoring to protect human rights and improve the functioning of the judicial system, and support and monitor the corrections system. We look to Member States to support these strategies.

Staffing remains one of our greatest challenges. We must ensure that we have access to high-quality police, corrections and judicial officers to complement the work of our own staff experts, ensure that that personnel are trained in international human rights standards and that we deploy them to the field as quickly as possible. We must also keep in mind the need for broad geographic representation, which can be difficult to achieve, particularly in our missions in Africa, where some of our largest police contributors are reluctant to participate.

Equally challenging is the issue of gender. Indeed, only 3 per cent of our police and corrections officers seconded to peace operations are women. Experience in the broad range of legal systems found in United Nations Member States — whether civil law, common law, Islamic law, or other systems — is also crucial. These are other areas in which we need your urgent assistance.

In addition to providing individual personnel for rule-of-law activities, Member States can assist by providing staff for an entire sector. This is what the United Kingdom has done in Kosovo, by providing staffing for an entire criminal investigation unit.

Another model is for Member States to serve as lead nation for assistance to a particular sector. In Afghanistan, for example, Germany is in the lead for policing and Italy for the justice sector. We must also explore stand-by arrangements whereby Member States commit to providing an integrated package of resources and personnel as soon as the need arises. This was attempted in East Timor, but with very little success. Without significant assistance from Member States, however, the United Nations will not be able to carry out these complex mandates.

(*spoke in French*)

We all recognize that, while there is a wealth of universal norms and standards developed by the United Nations in this field and through their experience in the field, there is no single approach to justice and the rule of law. We must begin with sound assessments on the ground to determine if our assistance is needed. Any strategies we adopt must be tailored to the needs and conditions of the host country and must have as its primary objective the promotion of national ownership of their justice system and capacity-building.

We must avoid the mistakes of the past, where imported solutions failed to take into account local culture and traditions and our activities were sometimes carried out without adequately consulting national actors.

Indeed, those who will ultimately be subject to the system of law to be established have far more at stake than we do and must take the lead in developing and implementing any strategy for reform of the criminal justice sector. And we must ensure that the reference point for all of our work is international norms and standards — whether in the area of human rights, international humanitarian law or criminal law.

The United Nations is learning lessons from past experiences, strengthening its capacities, and developing new ways to work together more efficiently and more effectively. What remains to be seen, however, is how effective we — the United Nations Secretariat, our other United Nations system partners, the Security Council, Member States, and outside entities who are able to contribute — will be in effectively developing peacekeeping mandates, by determining budgets that are appropriate to needs, by

deploying human and material resources that are equal to the challenge, and — most difficult of all — by taking into account, with a sense of realism, the difficulties we will face in the field.

We cannot hope to effectively assist in building stable, peaceful societies if the crucial area of the rule of law is neglected. We have been in the peacekeeping business for more than half a century now, and we will have failed in our responsibility to suffering populations throughout the world if we neglect to learn and apply the lessons of the past half a century.

I hope that we can count on your continued support and commitment as we strive to ensure that the rule of law obtains the central, strategic role that it merits in all peacekeeping efforts.

The President: The next speaker on my list is Mr. Marcello Spatafora, the Representative of Italy, speaking on behalf of the European Union.

Mr. Spatafora (Italy): I have the honour to speak on behalf of the European Union (EU). The acceding countries, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia, the associated countries, Bulgaria, Romania and Turkey and the European Fair Trade Association (EFTA) countries, members of the European Economic Area, Iceland and Norway, align themselves with this statement.

Justice and the rule of law are at the core of the peaceful settlement of disputes and of harmonious coexistence both at the national and international level. The failure of national systems and the unfolding of international crises are often consequences of the collapse of justice, infringements on the rule of law and the perpetration of heinous crimes and violations of human rights.

The EU, which is a community built upon mutually agreed-upon principles of law, remains convinced that an essential element to sustained stability in a post-conflict environment is the strengthening and consolidation of local rule-of-law capacity.

During the last decade the nature of armed conflicts has radically changed as the number of internal conflicts has increased rapidly. In this context the United Nations has often been called upon to intervene in the reconstruction of national societies disrupted by atrocious conflicts.

This in turn has implied a major change, both in the nature and in the scope of United Nations post-conflict peace operations. The Security Council has placed increasing emphasis on the need to restore justice and the rule of law at the local level when this is not achievable through intrinsic processes in the short run.

As a consequence, the United Nations is increasingly being involved in post-conflict reconciliation and transitional justice. The results achieved so far are encouraging in Kosovo, Cambodia, Timor-Leste, Sierra Leone, the Democratic Republic of the Congo and Afghanistan. Liberia will be the next important test case, as the Secretary-General reminded us last week. The EU is fully aware that each of these situations has its own characteristics which, accordingly, must be addressed. Nevertheless, further efforts must be made to draw lessons from current experiences in order to assess the effectiveness of United Nations actions in this area and to identify guidelines for the future.

The international community is sometimes called upon to intervene in order to put an end to impunity for the most heinous international crimes. In such situations, the establishment of ad hoc international criminal tribunals or the setting up of national courts with varying degrees of international assistance has made an important contribution to reconciliation in emerging, post-conflict societies.

The EU also strongly believes that the International Criminal Court provides a powerful, permanent instrument of deterrence against such crimes. The EU will remain firmly committed to its effective functioning. The Court does not aim at replacing domestic jurisdictions. It may assume responsibility as a last resort and only when a State is unable or unwilling to do so. The Court is not just a judicial institution, designed to prevent and put an end to the impunity of the perpetrators of serious crimes, it is also an essential means of promoting respect for international humanitarian law and human rights law, thus contributing to freedom, security, justice and the rule of law, as well as to the preservation of peace and strengthening of international security.

The EU supports the concrete proposal made by several of its member States at the ministerial level meeting of the Security Council on 24 September. It considers that rule-of-law elements should be included,

as appropriate, in mission mandates. To that end, we support the strengthening of United Nations capacities in the rule of law, the enhancing of system-wide coordination within and outside the United Nations and the improving of consultations with Member States to mobilize their available resources and expertise.

Furthermore, the European Union (EU) supports the formation of legal assessment teams comprised of civilian police and other rule-of-law elements, as appropriate, to help in the planning process for new missions. These teams should participate in reconnaissance missions in the field to evaluate the needs of the host country and create an environment in which the application of and adherence to the rule of law can be achieved. Specific attention should be devoted, inter alia, to promoting the establishment of legislative transparency, reliable civilian police structures, an independent judiciary, the right to a fair trial and a penitentiary system. We welcome the offer by the Secretary-General to provide a report to promote further consideration of these matters, and we look forward to assisting him in that endeavour.

Accepting and promoting this new approach entails the assumption of new responsibilities on the part of the United Nations. The EU believes that in accomplishing these tasks, the United Nations should continue to explore all possible forms of cooperation with international organizations and institutions that can provide experience and expertise. In that regard, the EU seizes this opportunity to reaffirm its readiness to actively contribute to restoring the rule of law at the local level in situations where the Security Council considers that support for such processes by international organizations might be needed.

Since 2001, the Council of Europe has consistently recognized transitional justice and the rule of law as one priority area in the EU's crisis management operations and has set concrete targets for developing the relevant capacities. The joint declaration on United Nations-EU cooperation in the area of civilian and military crisis management, signed last week in New York by the United Nations Secretary-General and the Italian Presidency of the EU, is intended as an additional tool available to the United Nations to achieve its targets. It will contribute deepening cooperation between the United Nations and the EU and providing it with reliable and sustainable mechanisms. The EU confirms its commitment to ensure an early and concrete follow-up to the joint declaration.

The EU remains convinced that the success of any mission to establish the rule of law largely depends on the capacity and readiness of local actors to be fully involved from the beginning in reaching the objectives. As a principle, local law should be applied as widely as possible. Prompt building of capacities and subsequent hand-over to local ownership are essential.

The EU therefore fully subscribes to the Secretary-General's statement last week before the Security Council: "Local actors must be involved from the start ... We should, wherever possible, guide rather than direct, and reinforce rather than replace. The aim must be to leave behind strong local institutions when we depart." *(S/PV.4833)*

The President: I now give the floor to the representative of Japan.

Mr. Haraguchi (Japan): Article 1 of the United Nations Charter stipulates that one of the purposes of the United Nations is to bring about the settlement of international disputes by peaceful means and in conformity with the principles of justice and international law. After 58 years, this purpose is still a very important one for this Organization. Indeed, the role played by the United Nations is all the more important now that there is an increasing need, as globalization advances, to address a variety of international problems that transcend national borders.

In the international community, where no integrated government exists as yet, there is no legislative or judicial organ with enforcement authorities. Treaties require the consent of participating States to become binding. International courts also need general or specific agreement by the parties for disputes to be referred to them.

However, States tend to hesitate before subjecting themselves to legally-binding agreements and decisions that restrict their latitude on many issues, including such wide-ranging matters as the environment, human rights and trade and investment, which are complex and greatly affect national interests.

In the present international community, establishing the rule of law, while important, is not an easy task. It is essential first of all, therefore, to create a framework for agreements in which as many States as possible will participate. Merely pursuing ideals will

not produce effective results if the participating countries are limited in number. In this sense, given the Organization's comprehensive membership, the law-making functions of the United Nations system — in which extensive discussions are conducted to promote understanding among Members — is extremely important. In addition, the Security Council is authorized under Article 25 of the Charter to make legally-binding decisions in the area of the maintenance of international peace and security. The Council is making an increasing number of critical decisions, particularly in the post-cold war era.

The Japanese Government attaches great importance to the United Nations role in this area. In this context, we welcome the initiative of the British Presidency this month to place this issue on the agenda of the Security Council. I would like to take this opportunity to touch upon the views of my Government regarding some recent developments related to this subject.

First, as regards developments in international criminal justice, it is unjust to allow those who have committed serious crimes to go unpunished; such inaction renders society and the State corrupt. When society or the State, alone, cannot bring such criminals to justice, it is important for the international community to shoulder its responsibility and contribute to the creation of a post-conflict order and a base for economic and social development, as well as to the achievement of universal justice. It is also in the interest of the international community, as it will serve to deter similar crimes in the future.

In the 1990s, the Security Council established International Criminal Tribunals for the former Yugoslavia for Rwanda. This represented a great advance in the development of international criminal justice. The Special Court for Sierra Leone was also established, based on a request by the Security Council. Japan supports such a role for the Council. We share the concern expressed by Foreign Secretary Straw in the Council meeting last week, however, that the Tribunals for the former Yugoslavia and Rwanda are proceeding slowly and at considerable financial cost. We request the Security Council to conduct rigorous monitoring, so that those Courts conduct the trials efficiently and that they complete their mandates expeditiously.

The United Nations should also make an important contribution to the Khmer Rouge trials. The Government of Japan, together with France, have put forth initiatives for the adoption of the relevant resolutions in the General Assembly. We hope that the court would begin its activities without delay and thereby contribute to the achievement of justice in Cambodia.

It may be said that the most important recent development in international criminal justice is the birth of the International Criminal Court (ICC). The Government of Japan has consistently supported the establishment of the ICC and welcomed it when the Rome Statute came into force. In order for the ICC to be effective and universal, it is necessary for a large number of countries to be able to regard the Court as their own. We therefore consider it crucial that the ICC meet the expectations of as many countries as possible in conducting its activities.

Secondly, there is the task of combating terrorism and ensuring the safety of United Nations and associated personnel. The eradication of terrorism is a challenge to the international community as a whole. The United Nations is playing an important role through its championing of international conventions and protocols to ensure that terrorists are brought to justice and through its measures to prevent terrorism.

The international community was shocked by the terrorist attack on United Nations headquarters in Baghdad, which caused so many casualties. We welcome resolution 1502 (2003), adopted by the Security Council after the attack, as an important step for the protection of humanitarian personnel and the United Nations and its associated personnel. We consider it necessary to conduct further discussions on this matter, including the expansion of the scope of protection in our deliberations, with a clear understanding of the existing Convention on the Safety of United Nations and Associated Personnel.

Thirdly and lastly, placing importance on justice and the rule of law is an essential element in promoting human security and furthering economic and social development. Where no justice or rule of law exist, frustration and bitterness will accumulate, and a society that is supposed to be united for development will instead become fragmented and divided, and descend into a vicious circle of conflict and poverty.

In this context, assistance from the international community for legal system-building in post-conflict periods is critically important, because it will contribute to the establishment of the rule of law and the prevention of future conflict, as well as to the creation of a base upon which to promote nation-building and development. It is from this point of view that the Japanese Government has been extending assistance of various kinds to Cambodia, Timor-Leste and other countries, in areas such as the formulation of basic laws and the development of human resources for judicial institutions.

We are also encouraged to see that contributions in this area have been strengthened in the peace operations of the United Nations. Moreover, the United Nations Asia and Far East Institute, which was established by agreement between the United Nations and Japan, has been contributing for 40 years to capacity-building in crime prevention and criminal justice by conducting activities that include the training of experts in the Asia-Pacific countries. We would like to request that the report to be provided by the Secretary-General on today's discussion include an evaluation of the assistance provided to date by United Nations organs, including the Security Council, and by Member States, respectively, and recommendations regarding the kinds of assistance that might be provided in the future.

I hope that today's meeting and the one held on the 24th of this month will provide guidance for the future work of the United Nations, and I look forward to the report of the Secretary-General.

The President: The next speaker on my list is the representative of New Zealand.

Mr. MacKay (New Zealand): No principle is closer to the heart of the work of the United Nations than that of justice. The links with the particular role of this organ to maintain and restore peace and security are very clear. This link has obviously been increasingly recognized by the Council in recent years. There has been reference, for example, to the international tribunals that have been established, and to the incorporation of rule of law elements in the mandate of missions such as the one in Kosovo.

But many of these developments have been ad hoc, and we therefore welcome the proposal that this debate emanates from, that greater thought be given to how to address rule of law issues in a systemic and comprehensive way in the Council's work.

Given the many elements that are involved in establishing the rule of law, much will depend on effective coordination within the United Nations system and among the agencies involved.

Too often, conflicts are marked by crimes committed by the very people and institutions that should protect and defend the law. In order to restore stability and rebuild respect for those institutions, it will often be necessary to rebuild all aspects of the legal system. The extent of this task, and the need for regional or international assistance, will clearly vary from situation to situation. But, in our view, promoting national ownership and capacity-building is one of the most important aspects of international involvement in a post-conflict environment. As Mr. Guéhenno has made very clear, however, the rule of law needs to be regarded as a core function of post-conflict peace- and nation-building operations, and not as an optional "extra".

Again, Mr. Guéhenno has indicated that one of the Council's first tasks in a post-conflict situation will be to complete an assessment of the existing systems in order to determine what assistance is needed. We would suggest that it could therefore be useful to establish registers or panels of experts that the Council could draw on to assist in completing these assessments. Such panels should be representative of each of the world's regions. In compiling the panels, the Council could also draw on the expertise contained in many regional or other international organizations, including many non-governmental organizations.

A fundamental element of re-establishing respect for the rule of law is also delivering justice for the victims of crimes or atrocities committed during the period of conflict. Again, in our view, the national courts should, where possible, be the first line of prosecution.

That said, however, there will clearly be instances where the nature and the gravity of the crimes, the political situation or, indeed, the capacities of the national system will mean that it will be necessary to turn to an international process. In this situation, we would very much encourage the Council to take advantage of the International Criminal Court (ICC). We fully understand the sincerity of those countries that have reservations about the Court, but we are

confident that its operations will, in fact, assuage those concerns. We therefore hope that the Council will cooperate with the ICC within the framework of the Rome Statute and the Charter, and that it will refrain from actions that would undermine the effective operation of the Court.

Finally, may I briefly refer to the usefulness of complementary mechanisms such as truth and reconciliation commissions. The dilemma, here, obviously, is finding the appropriate balance between justice on the one hand and national reconciliation on the other, because it will obviously not be possible to put an end to the culture of impunity for the gravest international crimes if amnesties are granted for them.

Again, we believe that local ownership and decision-making is very important. In most cases, the Council's role may be best by way of facilitation of the provision of technical assistance or guidance to the States concerned.

Finally, although this is not in the much more comprehensive written text that I have circulated, I should like to support the comments made by the Permanent Representative of Japan regarding the need to strengthen the regime under the Convention of the Safety of United Nations and Associated Personnel, which we also believe would make a significant contribution in this area.

The President: I now call on the representative of Serbia and Montenegro.

Mr. Šahović (Serbia and Montenegro): I should like to thank the British presidency for having convened a ministerial meeting on the very important topic of justice and the rule of law, as well as for this opportunity for the wider United Nations membership to contribute to the debate.

My delegation has listened with great interest to the interventions of the members of the Council and to the many concrete suggestions for strengthening the role of the United Nations in this field. Since my country has direct experience of United Nations efforts to promote justice and the rule of law, we would like to use this opportunity to offer a few observations on some aspects of this process, in relation to the United Nations Interim Administration Mission in Kosovo (UNMIK) and the International Criminal Tribunal for the former Yugoslavia (ICTY).

Before doing so, however, I should like to emphasize that my Government fully agrees with the virtually unanimous assessment that the establishment of the rule of law is of crucial importance for stabilizing societies emerging from conflict. Without it, the risk of new human rights violations and of a return to conflict remain real and permanent.

Secondly, we fully support the view that the role of the United Nations does not end with the physical separation of the parties to a conflict. Its task is fulfilled when firm foundations for peace, security and stability have been laid — the basic precondition for this being institutions that guarantee the primacy of law.

The United Nations established one of its largest and most comprehensive missions in my country, in the province of Kosovo and Metohija, in 1999. There were many references during the ministerial meeting to the role of UNMIK in securing the rule of law. We deem it necessary, however, to point out that the achievements in this field are far from satisfactory.

As we have repeatedly stated during Security Council meetings on Kosovo and Metohija, not a single perpetrator of ethnically motivated crimes has been apprehended that we are aware of. The inevitable consequence is the emergence of a culture of impunity with respect to violence against minorities. There have also been no major breakthroughs in fighting widespread organized crime.

Various reasons have been cited to explain such a state of affairs. In that context, my Government considers the insufficient number of international judges and prosecutors to be a significant cause for concern. According to the report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo (UNMIK) of 26 June 2003 (S/2003/675), there are only 15 international judges and 10 international prosecutors serving in the local justice system and they handle only approximately 3 per cent of the criminal cases. In addition, the number of UNMIK staff dealing with police and justice issues is continuously being reduced. In our view, however, that segment of UNMIK's human resources should be strengthened, rather than weakened.

Owing primarily to the prevailing climate of insecurity, the chances for return of 250,000 internally displaced persons are diminishing. Of course, returns are among the most important stated aims of UNMIK,

along with the establishment of the rule of law and the protection of human and minority rights.

As has been stated in virtually all reports on Kosovo and Metohija, much remains to be done in establishing the rule of law. We therefore welcome the fact that the international community seems to recognize the need to adopt a comprehensive approach to supporting societies that need reconstruction, such as in Kosovo and Metohija, until the firm basis for a just society is in place. That approach must include better resources and expert assistance for the efficient reform of law enforcement and the judiciary.

In that context, we find very useful the suggestions presented during the Council's ministerial-level debate calling for the United Nations to establish a standing data base of experts, nominated by Member States, who would be available, if called upon by the Security Council or by States, to assist in these areas.

One of the significant contributions of the United Nations to managing post-conflict situations is the establishment of international criminal tribunals. The ad hoc tribunals have shown, within their scope, that no one is above the reach of international law. They have enabled the processing of a number of war crime cases in circumstances where national judiciaries were unable to do so. My Government recognizes that role of the tribunals. It also fully recognizes its obligation to cooperate with the International Criminal Tribunal for the Former Yugoslavia (ICTY) and is doing its utmost to fulfil that obligation.

In many respects, however, the tribunals seem to have a mixed record. For example, the fact that the ICTY was formed as an ad hoc body is not sufficient justification for its practice of changing its rules of procedure and evidence as it goes along. That can only lead to legal uncertainty, which obviously does not contribute to the strengthening of the rule of law.

Also, in the case of the ICTY at least, it is sometimes difficult for the wider public to make the necessary clear distinction between the Court and the Office of the Prosecutor. The Court, as an independent legal institution whose aim is to secure justice, is often overshadowed by the prosecution. In addition, there are differences in the perception of the purposes of the ICTY that distort the image of the Tribunal as an institution above political considerations. The ICTY has variously been defined: as a means of determining individual responsibility for the most serious war crimes, as a vehicle for reconciliation and as a venue for deciding what constitutes the historical truth about the conflicts in the former Yugoslavia.

It is our firm belief that the goal of any court of law, including ad hoc tribunals, must be to bring individual perpetrators of crimes to justice. The task of the tribunals is to concentrate on the top echelons of the chain of command that led to war crimes and crimes against humanity. On previous occasions, the Council has recognized that lower-level cases should be tried by national courts. We believe that the time is approaching when the ICTY should begin to refer the cases it deems appropriate to national jurisdictions. However, in that process the importance of international assistance in reforming and strengthening national judiciaries is paramount.

Allow me to conclude by saying that my Government views the establishment of the International Criminal Court as a major step forward in creating a lasting framework for promoting the aims of justice and the rule of law at the international level. The International Criminal Court is permanent and its jurisdiction was envisaged as universal. Therefore, it is not focused on one country in particular but on all perpetrators of war crimes, crimes against humanity and genocide. As was stated at the ministerial-level meeting, it does not represent victors' justice but is aimed at objectively determining individual responsibility in cases of the most serious violations of international humanitarian law. My Government supports that role of the International Criminal Court.

The President: I now call on the representative of Austria.

Mr. Pfanzelter (Austria): Austria fully endorses the statement made by the Italian presidency on behalf of the European Union, and I would like to elaborate on four aspects.

First, justice and the rule of law are the very foundation of our international system and the United Nations. International norms are the standards by which we assess right and wrong in international affairs. The statements made on 24 September and today give hope that the debate will continue and lead to a renewed understanding and strengthening of justice and the rule of law in the United Nations.

Secondly, justice and the rule of law are the cornerstones of peace, security and the stability of

States, especially in post-conflict situations. To that end, Austria has contributed substantially to the training of local police and State border and justice officials in Bosnia and Herzegovina and in Kosovo. As a member of the Human Security Network, Austria is a strong advocate of the rights of civilians, in particular children, in armed conflicts. Training for police and the judiciary and the establishment of child protection units, as well as raising awareness among combatants, are important in this regard. The recent mandate establishing the multidimensional United Nations Mission in Liberia is a positive example.

Thirdly, a priority for societies ravaged by war or internal conflict is to ensure that the perpetrators of the gravest war crimes and crimes against humanity are brought to justice. The Security Council has devoted increasing attention to this issue. Austria fully supported the creation of international criminal tribunals for Yugoslavia, Rwanda, Sierra Leone and Cambodia. However, for financial, political and practical reasons, the Security Council is not able to deal with all situations in which grave crimes have been committed. Austria therefore fully supported the establishment of the International Criminal Court, which by means of its subsidiary jurisdiction is designed to ensure that national authorities devote serious attention to their obligations to investigate and prosecute such crimes. The International Criminal Court thereby contributes to the efforts of the Security Council to ensure the respect of international law. Austria is confident that the United Nations and the International Criminal Court will cooperate successfully to achieve their common goal of strengthening the rule of law and justice in international relations.

Fourthly, among the foremost duties of the United Nations is ensuring and enforcing compliance with international norms. The Security Council has a special responsibility in that regard. A Council dedicated to the resolute implementation of international law is the best incentive for the implementation of law at the national and local levels.

In conclusion, I would like to thank the United Kingdom presidency for this excellent initiative and for the very welcome opportunity to debate the crucial issues of justice and the rule of law in the Security Council. We are looking forward to the follow-up of this process, which the presidency has so ably initiated.

The President: I now call on the representative of Liechtenstein.

Mr. Wenaweser (Liechtenstein): The issue before the Security Council is topical for a wide range of issues on the agenda of the Council, including conflict prevention and post-conflict peace-building. Observance of the rule of law is an essential element for the effective functioning of States and the promotion and protection of the rights of individuals. It is also a crucial ingredient in relationships between States and thus of a functioning multilateral system. Indeed, the Council is instrumental in upholding the rule of law and must therefore continue to act on the basis of clear rules in carrying out the tasks with which it is entrusted.

It is difficult to imagine effective application of the rule of law without permanent courts in place to enforce it. As far as relations among States are concerned, the primary competent body is obviously the International Court of Justice. When it comes to dealing with individuals who violate rules of international law applicable to them, the situation is slightly more complex. The principle of complementarity is a central concept in that respect. It is always preferable that States have in place an independent and effective judiciary that brings to justice those individuals who have committed serious crimes under existing international law.

The United Nations can play — and on many occasions has played — a decisive role in assisting States to enhance their national capacities to that end. This important function of the United Nations, both in post-conflict situations and in the context of conflict prevention, must be continued and enhanced. One important measure to that end is the proposed establishment of a pool of legal experts — including in the area of criminal justice — who can be called upon to provide legal assistance in the context of operations mandated by the Security Council, but also in the context of other activities, such as those carried out by specialized agencies and programmes.

Over the past decade, the Council has established ad hoc tribunals to deal with serious violations of international humanitarian and human rights law committed in the former Yugoslavia and in Rwanda. The ad hoc tribunals have played a valuable role in bringing to justice those who have committed the most serious crimes. At the same time, they have been

plagued by a variety of problems rooted in their ad hoc character — ranging from managerial to credibility issues — and the costs have proved to be quite unsustainable over a protracted period of time.

It became particularly clear from that experience that only a permanent international tribunal could serve the cause of international criminal justice while maintaining the necessary efficiency and credibility. Such a permanent body was established in 1998, when the Rome Diplomatic Conference adopted the Statute of the International Criminal Court (ICC). The Court is based on the very principle of complementarity that I mentioned earlier. It is meant, first and foremost, to ensure that States have effective and independent judiciaries in place to deal with the most serious crimes under international law. Only in the absence of such a judiciary — owing to the unwillingness or inability of the States concerned — the International Criminal Court can step in to deliver justice.

The Court poses a challenge and provides an opportunity for the United Nations system to continue and enhance its activities in the area of justice and the rule of law. Specialized agencies and programmes can play an invaluable role in helping States to build or solidify strong national judiciaries. In cases where States are not in a position to so, the ICC can step in and bring criminals to justice. It is thus clear that the Court can play a twofold role: first, in motivating States to strengthen their judicial mechanisms; and secondly, in assisting States — especially weakened States, during or after a conflict, for instance — in delivering justice in accordance with the Rome Statute.

The Security Council is, of course, given a particular role under the Statute. In fact, the relationship between the Court and the Council is one of the most carefully crafted aspects of the Rome Statute. Specifically, the Council is given the possibility of referring situations to the Court — a function that can be of particular relevance in situations of conflict or post-conflict transition, where States are most likely not to be in a position to deal with the crimes in question through their national mechanisms.

The vast experience of the United Nations makes it clear that justice and the rule of law are of central importance in conflict and post-conflict situations. Ending the climate of impunity and restoring the confidence of the people concerned can be indispensable elements in securing a peaceful transition. The United Nations system as a whole, and the Council in particular, should therefore further develop the instruments available to enhance the rule of law and to avail itself of existing institutions to that end.

In conclusion, I should like to thank the United Kingdom for initiating this process. We look forward to its continuation.

The President: I now give the floor to the representative of Romania.

Mr. Motoc (Romania): Romania fully associates itself with the statement made earlier by the representative of Italy on behalf of the European Union. I shall therefore limit my statement to a few complementary remarks.

I wish at the outset to thank you, Mr. President, for including consideration of the item "Justice and the Rule of Law: The United Nations Role" in your programme of work. We also highly commend you for having taken the initiative to convene in a timely manner this open debate on such a high-priority item as a follow-up to the Security Council meeting held on 24 September.

As a country that has put forward its candidature for membership of the Security Council from next January, we took special note of the following statement by the Secretary-General:

> "This Council has a very heavy responsibility to promote justice and the rule of law in its efforts to maintain international peace and security. This applies both internationally and in rebuilding shattered societies." (*S/PV.4833, p. 2*)

Romania attaches utmost importance to justice and the rule of law. Indeed, they are a major thread in the fabric of Romania's successful transition to democracy. It is true that the background in Romania's case is different from that of war-torn countries. However, as a country ravaged by dictatorship, Romania's evolution since December 1989 substantiates another sentence in the Secretary-General's statement: "... the rule of law is not a luxury and ... justice is not a side issue." (*Supra*)

As a country that struggled to rebuild a democratic society based on the rule of law, on a

market economy and on respect for human rights, we have a more immediate understanding of the complex challenges of transition now facing other countries. Transition is not an easy process, yet it is the only way to reach durable economic prosperity and social cohesion for the people. Equally important, the role played by the rule of law in a society has a tremendously formative influence on the shaping or consolidation of national identity.

The community of democracies cannot be built without the solidarity of democracies. Romania knows the meaning of democratic solidarity, since we benefited extensively from the support of the democratic community after the breakdown of the oppressive communist regime. The assistance of various United Nations bodies and agencies is gratefully acknowledged.

In other cases, justice and the rule of law are inseparably connected to peacekeeping, to crisis prevention and to conflict management. We support a strengthening of the central role of the United Nations in its worldwide efforts to that end.

Romania welcomes the embedding of components of justice and the rule of law in the terms of reference for United Nations peace operations and for United Nations missions in general. Here, we see a valuable response to the challenges of multidimensional peacekeeping in post-conflict stages. Without the rule of law — the backbone of any functioning society — one cannot make people trust democracy, and consequently one cannot make them talk peace to one another. The mandate for the future United Nations Mission in Liberia, which was agreed through resolution 1509 (2003), sets a standard in that regard.

Kosovo is another case in point. The rule of law and an adequate law enforcement system are the most important priorities for any positive evolution there. In that respect, Romania fully agrees with the Special Representative of the Secretary-General for Kosovo, Mr. Harri Holkeri, who made the rule of law a top priority of his new tenure.

Atrocities and injustices brought by civil wars and by State repression can easily fuel new cycles of violence. Impunity may undermine trust in the legal system, thereby increasing the risk that vigilante justice will be resorted to, which encourages further atrocities. Mistrust and hatred between former adversaries inhibit political reconstruction, decision-making and economic development. Against this reality, Romania looks to the Security Council to continue to build upon its contribution in recent years to various dimensions of justice and the rule of law. The International Criminal Tribunals for the former Yugoslavia and Rwanda, the Special Court for Sierra Leone and the International Criminal Court are important steps in the right direction.

Romania reiterates its commitment to the goals and principles of the Rome Statute of the International Criminal Court, an institution that reflects universal aspirations to the rule of law and the achievement of justice.

The track record shows that comprehensive disarmament, demobilization and reintegration of former combatants are among the first requirements for the rule of law, as we know it, to really take off in post-conflict stages. Long-term investments in education, training and family and community support must be on top of reconstruction processes.

The involvement of the United Nations and the international community in these stages has gradually expanded to include assistance in the creation of sustainable government, security and legal institutions. We share the views of those speakers who pointed out that, eventually, real progress in achieving justice and the rule of law depends largely on local actors. Multilateral and bilateral assistance should be conducive to justice and the rule of law effectively permeating the targeted region or country and reaching the stage of sustainable local ownership.

That implies a need to engage civil society from the start, which will ensure that the specific character of each society — its culture and identity — is duly taken into account. The international community must provide greater resources and expert assistance in that respect.

Furthermore, the United Nations goals and concrete activities related to justice and the rule of law in post-conflict countries should be placed in a comprehensive and coherent framework that includes police reform, good governance and a functioning and accountable system of public administration. Perhaps no less essential is the balance that should exist between justice and the rule of law themselves, between the goals of justice and those of reconciliation, or between the demands of peace and those of justice.

From the same perspective, it would be worthwhile to corroborate the conclusions drawn following the Security Council's consideration of the theme with the ideas emerging from similar endeavours in other United Nations bodies and agencies, as well as in other international and regional forums active in this area.

A wider and integrated approach would further help the United Nations and Member States identify current trends, recent experience, practical lessons and challenges for national and international initiatives to foster reconciliation, peace, stability and development in post-conflict societies. By the same token, that will lead to improved decisions by the Security Council and better action in the field so that justice and rule of law components become integral parts of United Nations peace operations and missions.

The President: I now give the floor to the representative of Switzerland.

Mr. Helg (Switzerland) *(spoke in French)*: Peace does not last unless it is founded on justice and respect for the law. This idea is expressed in the Preamble to the United Nations Charter and is one of the foundations of the Organization.

Justice and respect for law must prevail first and foremost in relations between States. They must also constantly guide the action of the Security Council and the other bodies of the United Nations. Those two aspects are fundamental. However, our attention today is focused on a third aspect: the promotion of justice and the rule of law within societies that have been torn apart by war. I thank the United Kingdom for having taken the initiative to launch a process of reflection on the role of the United Nations in this area.

In his statement to the Security Council last week (*4833rd meeting*), the Secretary-General addressed the dilemmas which the simultaneous search for peace and justice can sometimes encounter. When the immediate objective is to stop a bloody civil war and to save the lives of innocent people, justice perhaps seems like a remote ideal. Sometimes, it is even perceived as an obstacle to peace. But peace does not just mean a halt to hostilities. It is lasting only if the society concerned finds a way leading to justice and reconciliation. In the long term, justice always acts in the service of peace. It is therefore important to prevent impunity. A peace agreement is not worthy of its name if it contains an amnesty for war crimes, genocide or other crimes against humanity.

In creating the two International Criminal Tribunals, the Security Council acknowledged the link between peace and international justice. The establishment of the International Criminal Court is a response to the same logic of complementarity between the pursuit of justice and the promotion of peace. While the International Criminal Court is independent from the United Nations, both institutions will benefit from a close and cooperative relationship.

The establishment of democratic institutions and the institution of the rule of law are equally essential to prevent conflicts or re-igniting hostilities. Special assistance must be given to the parliament, the courts, lawyers associations and the police. Elections often signal the end of international involvement, but in themselves they are not enough to guarantee the rule of law. More is required to ensure the submission of institutions to the law, the separation of powers and the free exercise of fundamental freedoms.

From El Salvador to East Timor and Kosovo, the United Nations has acquired solid experience in promoting justice and the rule of law. Henceforth it is important to integrate this dimension in United Nations peace operations more systematically. Every Security Council mandate concerning post-conflict situations should include provisions on promoting justice and the rule of law.

Justice — with its three pillars of the judiciary, the police and a correctional system — must be a constituent part of any peace and reconstruction process. In concrete terms, this means that as soon as a peacekeeping operation is being considered, the United Nations must start to plan its engagement and must be given the means to act rapidly and in coordination with the other potential players.

Switzerland welcomes the proposal of the Secretary-General to present a report on this subject. It invites him to highlight examples of good practice. In preparing that report it is desirable to undertake the broadest possible consultations within the United Nations system, but also among relevant institutional players and civil society.

International organizations such as the Organization for Security and Cooperation in Europe (OSCE), the Council of Europe and La Francophonie

have been involved in promoting democracy and the rule of law for many years. Their experiences should be better known within the United Nations to allow opportunities for strengthening institutional partnerships. Switzerland also invites the Secretary-General to address in his report the obstacles which prevent national authorities from prosecuting international crimes and to assess ways to overcome such obstacles.

I conclude by emphasizing that Switzerland is very interested in this initiative on the promotion of justice and the rule of law. It is very keen to contribute to the current reflection on ways to strengthen United Nations action and offers its assistance in those areas where it possesses relevant experience, such as constitutionalism and transitional justice.

The President: I now give the floor to the representative of Finland.

Ms. Rasi (Finland): Finland fully associates itself with the statement made by Italy on behalf of the European Union. We thank the United Kingdom presidency for introducing justice and the rule of the law to the Security Council agenda. Finland gives special importance to the issue and has been actively participating in the discussions on how to make it a more integral part of the work of the United Nations.

The importance of the rule of law has been early and widely accepted in Finland. Legal thinking is historically deep-rooted in Finnish society as a means to foster national autonomy. Finland's commitment to strengthening the rule of law within States and in international relations enjoys broad national support. Participation in international cooperation to promote peace and human rights has been inscribed in the Finnish Constitution.

Establishing functioning rule-of-law structures contributes to the rebuilding of conflict-torn societies. The central role of the rule of law in United Nations peacekeeping was recognized in the Brahimi report. Launching the Task Force of the Executive Committee on Peace and Security was an important step forward. Its final report introduced practical recommendations on how to further improve the ability of the United Nations to respond to the challenges of multidimensional peacekeeping in the post-conflict phase. Those recommendations must be effectively implemented.

Rule-of-law aspects should be mainstreamed into the work of the United Nations. That presupposes enhancing the capacity of the Secretariat. At the moment, there is one judicial and one corrections staff member in the Criminal Law and Judicial Advisory Unit of the Department of Peacekeeping Operations (DPKO), although the Secretary-General has recommended a more substantial number of posts. The focal-point network consisting of representatives of other United Nations and related departments provides important information and support, but it is not in a position to carry out the substantive day-to-day work of the Unit. Increasing the capacity of the Criminal Law and Judicial Advisory Unit in conformity with the recommendations of the Brahimi Panel would enable it to meet the needs of the DPKO and of peacekeeping operations. However, the success of the rule-of-law strategy requires a coordinated approach by all United Nations agencies. No single unit has the experience, expertise, resources and mandate to secure the successful implementation of the principles of the rule of law in the peace-building process.

Rule-of-law aspects should be included in the mandates of current and future multidimensional peacekeeping operations. Rule-of-law experts should participate actively in planning new operations, as happened in the lead-up to the newly established United Nations Mission in Liberia. A comprehensive approach should be taken in which not only police but also judicial and corrections aspects are included in plans when appropriate. When the mandate of an existing operation is reviewed, a multidisciplinary internal United Nations working group should be formed to analyse whether rule-of-law aspects have been effectively addressed in the existing mandate. If that is not the case, steps should be taken to improve the situation.

For successful implementation, necessary funding needs to be secured. As compared to military and policing costs, considerable improvements can be achieved in judicial and corrections institutions with minimal resources. The failure to provide them with the necessary resources can, however, significantly reduce the effectiveness of the funding spent on the military and police aspects.

It must also be remembered that any improvements made will remain superficial unless they enjoy the support of local populations. Multidimensional peace operations should place

special emphasis on strengthening national rule-of-law institutions. After all, they will be responsible for upholding and implementing the principles of the rule of law after an international presence comes to an end. The relationship between the United Nations and local institutions must be based on partnership. In non-executive missions mentoring, training and monitoring could enhance the capacities of national institutions.

National reconciliation is crucial in countries emerging from conflict. Dealing with past crimes becomes a core issue in the process of establishing trust in the judicial system. In that connection, Finland gives its full support to the functioning of the International Criminal Court and ad-hoc tribunals. Finland believes that there should be no impunity for serious crimes such as genocide and crimes against humanity.

Finally, Finland hopes that the two Security Council meetings that have been held on the subject of justice and the rule of law will mark the beginning of a process that makes the issue an established part of the work of the Council and of the wider United Nations system. We appreciate the proposals made by Secretary-General Kofi Annan at the ministerial-level meeting of the Council that took place on 24 September, and we look forward to the report that is being prepared. Finland would like to reaffirm its commitment to the process of taking the rule of law further in the United Nations. Finland is dedicated to continue its efforts to that end.

The President: I now give the floor to the representative of Canada.

Mr. Heinbecker (Canada) (*spoke in French*): I would like to thank you, Mr. President, for having organized this debate and for giving us the opportunity to take up an issue that is both vast and important.

As is obvious from the statements that have previously been made, the international community has already accomplished a great deal with regard to justice and the rule of law. We would like for the United Nations, and especially the Security Council, to continue to take an active interest in these questions, and especially in the protection of civilians in armed conflict and the role of women in peace and security. As our colleague from New Zealand and others have indicated, justice and the rule of law are integral parts of the reconstruction of a country during the post-conflict period.

(*spoke in English*)

In the light of the time pressures that face us, however, I will focus my comments on two issues of particular concern to the Government of Canada.

The Council has shown commendable leadership in creating the ad hoc Tribunals for the former Yugoslavia and Rwanda. Those Tribunals, with their successes and their ongoing challenges, have both brought perpetrators to justice and strengthened international resolve to end impunity. The Tribunals are welcome advances on the status quo ante. But experience has revealed the problems inherent in an ad hoc approach, including uncertainty, selectivity, delay, duplication and cost.

A standing institution such as the International Criminal Court (ICC) can be both more efficient and more effective in deterring and prosecuting mass crimes. Of course, national investigations and prosecutions are the preferred course of action. We believe that the ICC will promote national action through the principle of complementarity. States will know that, if they do not act, the ICC will act; and they will also know, conversely, that if they do act, the ICC will not act. Certain States that may be unwilling or unable to act will also know that the ICC stands ready to help with extensive checks and balances to prevent abuse.

We are aware of the very strong concerns in some quarters about the theoretical possibility of the ICC's investigation of nationals of certain non-State parties. We do not think those concerns are warranted, but I would like to set aside those differences for a moment to focus on an area where I presume we all do agree.

In cases where the jurisdiction of the ICC is clearly accepted by the State affected, and where that State is unwilling or unable to respond to massive crimes, we assume that the Security Council will support the ICC in bringing justice for victims. The situation in Ituri, the Democratic Republic of Congo, may be one such situation.

Secondly, we are worried about the Special Court for Sierra Leone. The Council will recall that the Court is a hybrid United Nations-Sierra Leone tribunal and that it is financed entirely by voluntary funding. Despite the Court's successes over the past year, its future is threatened by a severe budgetary shortfall. The Court will be simply unable to complete its task

without receiving additional funds in the very near future. Some States have pledged resources, and their money is of course welcomed; but much more is in fact needed. We therefore appeal to the international community to contribute additional funds to the Special Court without delay.

The President: I now give the floor to the representative of Jordan.

Mr. Al-Hussein (Jordan) (*spoke in Arabic*): I thank you, Sir, for convening this important meeting and for the work you have done throughout your presidency of the Council.

(spoke in English)

We welcome most warmly the presidency's decision to choose for this year's ministerial debate the topic: "Justice and the Rule of Law: the United Nations role".

I will, with your indulgence, first make some comments the on rule of law as it relates to United Nations transitional administrations and then deal with justice, in terms of actions undertaken by the United Nations to address those individuals who commit the gravest of crimes.

This debate comes 11 years after the United Nations Transitional Authority in Cambodia (UNTAC) relaunched the United Nations back into complex peacekeeping, following a 28-year hiatus separating UNTAC from what is arguably the most complex operation ever undertaken by the Organization — the United Nations Operation in the Congo, which ran from 1960 to 1964. And, as we survey the last 11 years of United Nations experience with complex peacekeeping, it is noticeable how we, the international community, failed early on in the 1990s to draw on the lessons of those pioneering early days decades ago in the Congo and how, in many instances, we chose to operate not just from a clean slate, but also on the basis of trial and error — with the rule of law being the prime example of this.

Only after the United Nations had already established its complex operations in the Balkans and East Timor, for example, were we forced to confront, by force of circumstance, the penalty of not having positioned the rule of law high enough on the ladder of immediate priorities. This ensured that each transitional administration undertaken by the United Nations during that period ran close to having both itself and the purposes for which it was there undermined by well-organized criminal activity of the sort which would exploit, with blistering efficiency, the absence of the rule of law through the well-recognized industries of war profiteering, black marketeering, money-laundering, as well as arms- and drug-trafficking.

It was the report submitted by the Panel on United Nations Peace Operations, led by Lakhdar Brahimi, in August 2000 that first alerted us to this problem, relating to the absence of applicable law whenever a transitional administration is set up. Unfortunately, the proposal offered — of examining the possibilities for having an interim or model criminal code — ran into difficulties in the General Assembly, not because there was insufficient appreciation by Member States over the need for it, but because there were doubts as to whether an unreformed Security Council should be enabled, through the availability of a model criminal code, to impose a penal law when only the permanent members of the Council are in a position to chaperone this process over the longer term. In other words, the difficulties then encountered were essentially doctrinal and, while there was little doubt that the Security Council has an essential role to play on the rule of law, the question remains of whether it should have the only or exclusive right to it.

The discussions held within the General Assembly over the last two and a half years on the rule of law led to the creation by the Secretariat of the Criminal Law and Judiciary Advisory Unit, a small unit within the Civilian Police Division in the Department of Peacekeeping Operations. However, as was mentioned by the Secretary-General in his intervention in this Chamber a week ago, the Secretariat also established, in April 2002, a Task Force for the Development of Comprehensive Rule of Law Strategies for Peace Operations under the aegis of the Executive Committee on Peace and Security, which produced an excellent and comprehensive report on the rule of law, circulated to all Member States on 25 November 2002. This report offered numerous recommendations and highlighted those areas where Member States could be of some assistance to the Secretariat.

In his introduction of that report to the Special Committee on Peacekeeping Operations, the Secretary-General noted specifically that:

> "the Task Force ... emphasized the need for the United Nations to consult much more closely with local actors in the country concerned and engage them in a meaningful way in devising and undertaking rule of law initiatives in peace operations, so as not to impose a rule of law strategy on them." (*A/57/711, para. 28*)

It was language and a perspective that eased markedly the concerns of several delegations, and the Task Force's comprehensive report was subsequently both welcomed by the Special Committee on Peacekeeping Operations and then discussed at length in a special session called for by the General Assembly, arranged by the Secretariat and then held only a few months ago.

Our debate in the Security Council last week and today is therefore all the more timely and, naturally, we are in your debt, Mr. President, for that. What is now required, we believe, is for the Security Council to take stock of the current dialogue between the Secretariat and the General Assembly, and then work closely with the General Assembly so that whatever future decisions the Council may seek to take on the matter, should they require commensurate resources at United Nations Headquarters those resources will be there.

Ultimately, we feel that not only should the Criminal Law and Judiciary Advisory Unit, which presently comprises only two very able staff members, be expanded, but that, eventually, the United Nations police function at Headquarters should itself be a part of a justice and rule of law division, and not vice versa, as happens to be the case now. Discussions, I am sure, will continue on these and other points within the relevant committees of the General Assembly in the near future.

Finally, turning to the prosecution of those accused of having committed the gravest of crimes, my delegation believes firmly that, with the establishment of the International Criminal Court, the Security Council is well positioned to make use of Article 13 (b) of the Rome Statute and refer relevant situations to the Court. Not only are there strong legal arguments to be made in favour of such action by the Security Council — tied to the unique legitimacy brought on by the Court's international and permanent character, together with the Court's early deference to national jurisdictions — but also there are very practical considerations which must be brought into the Council's calculations. Simply put, there is a limit to the number of legal specialists worldwide who are qualified, able and willing to staff and then render operational alternatives to the International Criminal Court, such ad hoc, special or hybrid courts. And, as the President of the Council noted last week, funding these ad hoc arrangements can also be a serious problem.

We stand convinced that the International Criminal Court will, over time, play a central role in how the Security Council chooses to confront those who commit the gravest of crimes in societies afflicted by war, and are pleased to note that most Council members appear to share that opinion.

The President: I now give the floor to representative of San Marino.

Mr. Balestra (San Marino): I would like to commend the members of the Security Council and you in particular, Sir, for having taken up the issue of justice and the rule of law — a subject that, in our opinion, is extremely important and yet sometimes forgotten in this era when the attention of this body has been drawn by other more urgent matters.

For my delegation, this is indeed an historic occasion, since this is the first time the Republic of San Marino is addressing the Security Council. In this regard, nothing honours me more than to address this body on such an important issue as the principles that should guide the United Nations in promoting justice and the rule of law in the reconstruction of societies and peoples affected by internal or international crises.

Students of post-war history in our contemporary age have observed that, among other things, justice and the rule of law have regrettably not always commanded mankind's attention in the formulation of national and foreign policies. Every human institution is understandably imperfect, but the miracle of civilization is such that people consistently strive to correct those imperfections. Today's proceedings before this Council are testament to that.

Justice and the rule of law are concepts universally shared, yet uniquely defined along standards that are relevant to our own individual statehood experiences. People define justice and the rule of law by how they are served and protected by these principles. Their definitions are created by their own experience of freedom and statehood, the codification of domestic laws that ultimately define a

judiciary, and a constitution that protects their welfare and interests. The history of San Marino, for example, shows that our people have had 17 uninterrupted centuries of experience in defining their own concepts of independence, justice and law, such that we have now a greater appreciation for and empathy with the purposes and principles of the United Nations Charter and the community of Member States. Our presence in this Council today bears witness to this.

Concepts of justice and the role of law are studiously researched, commented upon and drafted by international legal and historical academic scholars. Despite the diversity of legal theory, one theme remains: in order for civilization to live in peace, there has to be mutual respect for the order of law and the promulgation of justice. Laws must be drafted and executed in order to promote the gradual evolution of the protection of peoples in their daily lives, no matter what the economic and social challenges may be at any given point.

Academics have for decades studied the role of the United Nations in the execution of the rules of justice and law as it carries out its duties and responsibilities. Yet, as the Secretary-General rightly pointed out in the Council on 24 September, given the current challenges that confront the Organization, this task has become more complicated and complex — above and beyond any given legal theory. But as history has shown, the United Nations has in fact been successful in its earnest endeavour to set forth concepts of justice and the rule of law.

One need only consider its many activities. In the political, social and humanitarian fields, the United Nations has striven for such a definition of justice, whether it has to do with improving the social and economic lives of millions through cooperation, food programmes or financial assistance, or with sending civil and military personnel as peacekeeping operatives for the purpose of preserving life and security in troubled lands. Important legal institutions have been established, such as the International Criminal Court, which my Government strongly supports. We were the first European country to ratify the Rome Statute of the Court, which was created to fight impunity and to ensure peace, security and the rule of law through the realization of justice.

Some of these initiatives, of course, run the risk of criticism, and there are understandable fears, such as that of politicization. But the historical lessons concerning the creation of the International Court of Justice and other international criminal courts and tribunals show that those fears are inevitably transformed into a broader and more universal relationship of cooperation that can only have a more positive effect.

While justice and the rule of law must be the inspiration for and the leading principles behind the building of societies and nations, we should not forget the words of warning of the Secretary-General, who, addressing the Council last week, said, "the relentless pursuit of justice may sometimes be an obstacle to peace." (*S/PV.4833, p. 3*)

In seeking the realization of justice and the prevalence of the rule of law, one should not forget the need to promote national reconciliation and institutional stability. Sometimes it is difficult to attain all those goals simultaneously, and Governments and international organizations must act and make their choices very carefully.

The people of San Marino proudly associate themselves with the work of the United Nations and its aspirations to fully ensure justice and the rule of law throughout the world. We offer our support for those initiatives, with the primary goal being the betterment of mankind through the universal application of the concepts of justice and the rule of law. Once that application is achieved, then — and only then — can we truly say that we have fulfilled the historical promises set forth by the founders of this Organization.

The President: I thank the representative of San Marino, and note the historic nature of his statement, which was the first to be made to the Security Council by his delegation. I am glad that he chose to speak on justice and the rule of law, and I am sure I speak for the whole Council in hoping that it will not be too long before his delegation addresses the Council again.

I now give the floor to the representative of Sweden.

Ms. Fogh (Sweden): Sweden fully aligns itself with the statement made earlier by Italy on behalf of the European Union.

Let me first of all thank you, Mr. President, and the United Kingdom for bringing matters of justice and the rule of law to the fore. The principle of the rule of law is at the very heart of the United Nations, whose

Charter preamble specifically mentions justice and respect for the obligations arising from treaties and other sources of international law. All Members of the United Nations have an obligation to respect and ensure respect for the rule of law in international relations.

While the need to address rule-of-law issues in the aftermath of conflict is commonly accepted, it is a special challenge to identify and address causes of conflict at an early stage. Deficiencies in the rule of law inhibit efforts to prevent armed conflict. Among the common root causes of conflict are the lack of independent judiciaries; illegal activities by and lack of civilian control of armed and security forces; corruption; organized crime; and impunity. Increased attention must be given in time to these threats to peace.

Full use should be made of information and analyses on such issues from the United Nations human rights mechanisms and bodies. This information should be brought to the attention of the Council and lead to concerted action to remedy such threats to human rights and peace. Such action must be coordinated among United Nations agencies, Member States and other relevant actors.

The late High Commissioner for Human Rights understood those links well. When Mr. Vieira de Mello pledged, in the Third Committee last fall, to make the principle of the rule of law the centrepiece of his approach as High Commissioner, he said:

> "A comprehensive strategy to establish global security must be grounded in promoting respect for human rights through upholding the primacy of the rule of law, fostering social justice and enhancing democracy".

Mr. Vieira de Mello went on to underline that efforts to counter terrorism must enhance, rather than undercut, the rule of law. He also urged us to resolve to commit in a more serious way to prevention, rather than picking up the pieces afterwards.

In the context of conflict prevention, we welcome the increased use by States of the International Court of Justice, which is the principal judicial organ of the United Nations and a central institution in solving inter-State conflicts at an early stage.

As already mentioned by Italy, on behalf of the European Union, international courts and tribunals have an important role to play in ensuring the rule of law at the international level. The newly established permanent International Criminal Court has endowed the international community with an optimal tool for combating impunity, even when States fail to act domestically. The Security Council can have an important part to play in triggering the jurisdiction of the Court by referring situations to it under article 13 of the Rome Statute. Sweden believes that, as evidence of the universal norms underpinning the very essence of the rule of law, there should be no obstacle for the Rome Statute's eventually achieving universal application.

I would also like to stress the importance of the work carried out in the justice and rule-of-law area by a wide variety of non-State actors, such as non-governmental organizations. They should receive our full support, both in terms of finance and of know-how.

The rule of law must be distinguished from rule by law. Institution-building and the legal infrastructure are important, but not enough by themselves. The legal system must be just and must be perceived as just by the population. The legal system must build upon international human rights norms and standards. Law enforcement agencies, judges and lawyers must be trained to understand and apply human rights. Corruption and impunity must be fought. This applies not only in post-conflict situations. By upholding just legal systems that enjoy the trust of the population, we can also eliminate many causes of conflict in our societies. Justice, the rule of law and human rights go hand in hand in peaceful societies.

The President: I now give the floor to the representative of the Philippines.

Mr. Baja (Philippines): I would like to congratulate the presidency of the United Kingdom for bringing to the forefront of the agenda of the Security Council the important issue of the rule of law in the maintenance of international peace and security. This issue represents one of the most important spokes in the hub of the overall responsibilities of the Council under the Charter.

In her speech last Friday to the General Assembly, Her Excellency President Gloria Macapagal-Arroyo mentioned the promotion of the rule of law as one of the main priorities of the Philippines at the United Nations. She emphasized that international security must be underpinned by a strong commitment

to the rule of law, where individuals and communities are protected from violence and impunity is curtailed through the enforcement of international human rights and humanitarian norms.

Establishing the rule of law, especially in post-conflict societies, is indispensable if the United Nations is to help establish sustainable and responsible governance in these areas. Erecting machineries and infrastructure for the rule of law should be included as a key part of any exit strategy of United Nations peace operations. In fact, it should be a core function of all United Nations peace operations. It is my delegation's view that the Security Council should provide the necessary leadership in moving the United Nations to a stronger commitment to the rule of law in areas where the United Nations is engaged in peace operations. The rule of law is the key link that connects post-conflict societies to their full restoration.

The rule of law does not, however, operate in a vacuum. Conditions must be set to allow it to take root and flourish in post-conflict societies. No matter how important institutions, machineries and written laws are, on their own they cannot guarantee the attainment of justice or the rule of law. They remain empty shells if they are not imbued with energy to actually serve justice.

Thus, it is crucial that various pitfalls be avoided to ensure that those who are most in need of the benefits of the rule of law — communities in post-conflict societies — actually attain them.

First, it is important that local actors and resources are employed in establishing the foundations of the rule of law in a post-conflict context. The local population should have a stake in the process so that they can own up to the responsibility of charting their community's destiny. They should be provided all the necessary assistance to succeed, but they must be the ones ultimately responsible for their future.

Secondly, the power relationships in post-conflict societies must be given serious consideration in the United Nations efforts to provide a solid foundation for the rule of law. While power, both political and economic, is unavoidably unequal most of the time, over-domination by a single interest in a society would be detrimental to the rule of law. It is, therefore, important that establishing a comprehensive rule of law must include paying attention to social, economic and political reforms of post-conflict societies.

We are at an important crossroads in our effort to find a lasting solution to the conflicts that continue to plague our world today. Our experience over the last decade has shown that focusing merely on resolving and preventing conflicts without concomitant attention to strengthening the instruments and foundations of the rule of law in post-conflict societies is at best a half-baked effort.

We are fortunate that the United Nations has deep expertise and resources in this field, as reported last year by the Secretary-General's Task Force on the Rule of Law in Peace Operations. It is now imperative that the Security Council harness those resources and expertise to help institute the effective rule of law in societies that the international community is helping to attain stability and progress.

The President: I now call on the representative of Australia.

Mr. Dauth (Australia): We very much welcome the focus on the theme of justice and the rule of law. Such issues are central to the Council's work on peace and security.

Our long experience in peace operations has made us acutely aware of the importance of justice and rule-of-law issues to societies in conflict, or emerging from it. This was particularly the case in East Timor, where the United Nations Transitional Administration in East Timor (UNTAET), as the administering authority, was tasked with establishing the foundations for a new State. Central to this was the establishment of an effective system of justice and the rule of law. There are a number of lessons that can now be drawn from this recent and, on the whole, successful experience.

First, justice and rule-of-law considerations must be treated as core components of United Nations missions. Rule-of-law strategies must be implemented as soon as possible. The United Nations must remain engaged throughout the continuum of peace operations, from conflict prevention to peace-building. Appropriate experts must be deployed quickly. International actors must work with local actors, and leave behind strong local institutions and capacity.

Much has been achieved in East Timor. But, as the mandate of the United Nations Mission of Support in East Timor (UNMISET) comes to an end, work to consolidate the rule of law is still required there and

will need to be incorporated into a post-UNMISET United Nations presence.

Earlier this year, the situation in the Solomon Islands deteriorated markedly, and the rule of law virtually collapsed. In July, at the request of the Solomon Islands Government, and with the unanimous support of all Pacific Islands Forum members, Australia led the Regional Assistance Mission to the Solomon Islands, a regional arrangement under Chapter VIII of the Charter. The Mission is intended to re-establish conditions in which justice and the rule of law can operate. Police from across the region are now working alongside Solomon Islands police, with the support of military personnel. The Mission is restoring hope. The Council could learn much from this experience.

Significant progress has been made towards incorporating considerations of justice and the rule of law into peace operations. The report of the Task Force of the Executive Committee on Peace and Security on the rule of law in peace operations provides a valuable guide to current work and future directions. We also commend to the Council the outcomes of a conference on the rule of law in peace operations, which we hosted last year.

In some cases, international assistance to domestic legal systems is required to ensure justice. In this context, Australia calls upon Cambodia, with the assistance of the United Nations and a number of States, including Australia, to quickly establish Extraordinary Chambers to try senior Khmer Rouge leaders. This will enable justice within Cambodia, which, as I am sure the Council knows, is long overdue.

Finally, Australia would welcome a report from the Secretary-General on justice and rule-of-law issues. This should pull together past experience, draw on work already done, set out lessons learned and provide focused guidelines for future consideration of justice and rule-of-law issues. It will be a valuable tool to assist our collective efforts.

The President: I now give the floor to the representative of Sierra Leone.

Mr. Kanu (Sierra Leone): I thank the United Kingdom, President of the Security Council, for organizing this timely meeting. The Sierra Leone delegation also thanks the Secretary-General and the Office of Legal Affairs for their contributions to the promotion of the rule of law in international relations.

The Security Council is the principal organ for the maintenance of international peace and security and this role is intrinsically linked to the promotion of justice and the rule of law. This delegation also believes that justice and the rule of law are essential elements for building peace and democracy. In this effort, the United Nations, and, in particular the Security Council, must be consistent and firm in its application of international instruments relating to the observance, promotion and protection of human rights and international humanitarian law.

Our continent of Africa, in particular our subregion of West Africa, has suffered unimaginable wrongs, not only in terms of the loss of human life but also in the erosion of the rule of law. My delegation believes that the absence of the rule of law creates an atmosphere in which gross violations of human rights and international humanitarian law are often accepted and encouraged with impunity.

We in developing countries need the rule of law in order to live in a peaceful and just society. But durable and sustainable peace is something we cannot achieve without the help and assistance of developed countries, which need to show more leadership in the respect of the rule of law, both nationally and internationally. An effective rule of law is the sine qua non for justice and therefore, for accountability. However, establishing and promoting justice and the rule of law require resources, for justice and the rule of law are not cheap. They are expensive to attain.

In this regard, let me digress and make a plea for the Special Court for Sierra Leone. The Court needs resources and we call on all States to contribute to the Special Court for Sierra Leone. The Court is an important mechanism for the restoration of peace and the rule of law in Sierra Leone.

For decades, the international community has been trying to set up a court that will bring justice to victims of heinous crimes and bring an end to the culture of impunity. The international community now has an International Criminal Court that is fully operational. There are now over ninety States that are parties to the Court's Statute. Sadly, despite this expression of determination by the international community to establish a just legal order, the Statute of the International Criminal Court (ICC) has not enjoyed

full universality. This delegation calls on all States, and these include our dear friends, members of the Security Council, who are not parties to the Statute to sign and ratify the Statute as a matter of urgency. This will demonstrate their commitment to the promotion of justice and the rule of law in international relations.

The Judges, the Prosecutor, his deputy and the Registrar of the Court have all been elected. Those eminent persons represent the collective wish of mankind to end impunity and foster the rule of law in international relations. This delegation does not believe that those individuals will engage in frivolous and vexatious prosecutions and thus betray the collective confidence entrusted to them by humankind. The International Criminal Court is the tool that can be instrumental not only in bringing to justice war criminals but also in disseminating the notion of individual criminal justice for egregious crimes.

The Court furthers the Security Council's goal of maintaining international peace and security. It is not a threat to the sovereignty of States. In this delegation's view, the principle of complementarity ensures the sanctity of the sovereignty of States. It is only when States are unwilling or unable to investigate and prosecute that the ICC will intervene.

Sierra Leone believes that accountability, reconciliation and reintegration can be achieved through the rule of law. The rule of law is the only way to move forward and rebuild a thriving and peaceful democratic society. Accounting for our past and attributing individual criminal liability to those most responsible for violations of human rights and international humanitarian law are sure ways for the United Nations to foster justice and the rule of law, as the United Nations is an instrument of justice and the rule of law.

In conclusion, let me remind this body of what the Secretary-General of the United Nations, His Excellency Mr. Kofi Annan said in September last year before the first session of the Assembly of States Parties to the International Criminal Court. He said inter alia that the International Criminal Court "must serve as a bastion against tyranny and lawlessness, and as a building block in the global architecture of collective security." The Sierra Leone delegation subscribes to that view.

The President: I now call on the representative of Uruguay.

Mr. Paolillo (*spoke in Spanish*): Last week, when the debate on the role of the United Nations in promoting justice and the rule of law began in this Council, the Secretary-General underscored what, in the view of Uruguay, is the most serious and sensitive problem raised by this issue.

I refer to the conflict — which frequently arises in the process of restoring democracy — between the need to ensure the rule of law and justice on the one hand and the need to return to institutional normalcy and achieve national reconciliation on the other. As the Secretary-General stated, "At times, the goals of justice and reconciliation compete with each other" (*S/PV.4833, p. 3*).

Uruguay has some experience in this matter. After an interlude in the 70's that interrupted for eleven years the process of democratic development that had for 100 years characterized the history of the country, Uruguay returned to the path of democracy. The new Government led the nation down the difficult path of transitioning from repression and authoritarianism to democracy and freedom.

This path was difficult because the democratic Government was not only required to heal the wounds that society had sustained during the de facto regime but was also required to respond to the need for institutional stability and to establish the conditions necessary for the full enjoyment of freedoms within the rule of law.

The crimes and violations of human rights committed before and during the de facto Government's rule had to be punished. This was an elementary demand of justice.

However, the country found itself in special political circumstances that placed the democratic Government in a difficult political and moral dilemma: the Government could either seek to ensure justice — and thus frustrate or at least delay the objective of ensuring the democratic continuity, social peace and national reconciliation sought by all Uruguayans — or it could give priority to the latter objectives at the cost of sacrificing the former.

The democratic Government, exercising the authority conferred upon it by the Constitution, chose the second option, enacting laws that granted amnesty for all political crimes as well as for all related common and military crimes committed both by

military and police officials of the de facto Government and by members of opposition groups. This was a painful but unavoidable decision for Uruguay, a country that aspires to see an end to impunity and that is a party to the statute of Rome and firmly supports the International Criminal Court.

Two things should be mentioned here. First, the Uruguayan people ratified the law on amnesty for military and police personnel through a popular referendum. Secondly, a reconciliation commission comprised of representatives of all political sectors was established in Uruguay, which, over the past several years, has examined the cases of persons who had disappeared and succeeded in resolving many of them.

Certain sectors of public opinion and some intergovernmental organizations disapprove of amnesties and governmental acts of clemency and argue that these actions are incompatible with the obligations arising from international instruments that promote respect for human rights.

At a theoretical level, it is very easy to respond to this dilemma with statements in favour of the establishment of justice, which is a supreme and universal value shared by all. In the real world, the response is neither as easy nor as obvious. As the Secretary-General said, "the relentless pursuit of justice may sometimes be an obstacle to peace. If we insist, at all times and in all places, on punishing those who are guilty of extreme violations of human rights, it may be difficult or even impossible to stop the bloodshed and save innocent civilians. If we always and everywhere insist on uncompromising standards of justice, a delicate peace may not survive." *(S/PV.4833)*

I wish to note that the international community has recognized to a certain degree the need to defer the demand for justice under exceptional circumstances to ensure the maintenance of peace. I am referring to article 16 of the Statute of the International Criminal Court, which authorizes the Security Council to request that the Court suspend investigations or prosecutions that have been initiated — and it bears repeating, those that have been initiated. The request must be made in accordance with a resolution adopted under Chapter VII of the Charter, which means that the Council may use that authority when it considers that moving forward with proceedings already initiated before the Court could interfere with the Council's mission to maintain international peace and security.

Article 16 of the Rome Statute thus constitutes a clear recognition that justice and the maintenance of international peace and security can sometimes be incompatible goals. To be more precise, resolutions 1422 (2002) and 1487 (2003) are not, in our view, correct applications of article 16 of the Rome Statute.

I would like to thank the Security Council for the opportunity to voice the views of my Government on this very important item. I also wish to express our hope that international organizations, Governments, non-governmental organizations and, in general, all those who are involved in some way in the quest for justice and the rule of law shall consider the ideas and recommendations contained in the excellent report of the Secretary-General on this subject, which touched on the need to proceed with caution and seek balance to ensure respect for the various competing values at stake.

The President: I now call on the representative of the Democratic Republic of the Congo.

Mr. Ileka (Democratic Republic of the Congo) (*spoke in French*): At the outset, I would like to express our gratitude for your welcome initiative to hold today's Security Council meeting on justice and the rule of law and to take this opportunity to thank Mr. Guehenno for his introductory briefing on the item under consideration.

Concerning the particular situation in my country, I would just like to say that a new era of peace and reconciliation, national unity and the restoration of State authority, reconstruction, economic recovery and development has begun in the Democratic Republic of the Congo.

As was recognized by our head of State, His Excellency Major-General Joseph Kabila, in his statement last week before the General Assembly at its fifty-eighth session, "In the peace process now under way, an area of critical importance and an imperative is that of independent justice, whose equitable administration would mark the end of impunity." This shows that the national Transitional Government is aware of the responsibility incumbent on it to establish and maintain a fair, reliable, ethical and efficient system of justice in accordance with the principles of the Charter and international law.

The Government is not blind, however, to the challenges that we face to make that dream a reality.

This involves difficulties that new democracies often encounter in establishing new laws and infrastructure to meet the needs of justice and compliance with the rule of law in the face of rising crime, which often occurs during periods of transition. In that respect, the Democratic Republic of the Congo has been affected by specific problems, which have been worsened by war. The problems that make law enforcement more difficult include the lack of financial resources, the lack of an adequate court system and the need for deep change in behaviour and customs to be able to confront ever-increasing broad and complex challenges. We must add to this list the need to eradicate corruption and anti-democratic features within the justice system if we truly wish for one that enjoys the trust of the entire community and benefits from the community's support and respect for the rule of law. Law enforcement agencies and public administrative offices must also be accountable for their actions.

We should not lose sight of the importance of striking a balance between the need for an efficient system of justice and the protection of individual rights and the need to tackle the economic causes of crime and armed violence, including the illegal exploitation of natural resources and the major role of the fight against corruption.

Concerning the effects of war, in particular, it should be recalled that some 4 million Congolese have perished as a direct or indirect result of armed violence. After the war, it would be a mistake to believe that the Democratic Republic of the Congo can achieve peace and stability without attempts to shed light on the crimes that have been committed, to bring the perpetrators to justice and to do right by the victims.

To prevent such offences from going unpunished and recurring elsewhere, or in the Democratic Republic of the Congo itself in the future, my country has decided to appeal to the international community for the establishment of an international criminal court for the Democratic Republic of the Congo.

With respect to the most serious crimes committed after the entry into force of the Rome Statute, the International Criminal Court must assume its full responsibilities. The recent statement by the Prosecutor of the Court on his intention to initiate an inquiry in this respect should be encouraged.

It should be noted, however, that no State on its own can effectively address the many challenges that the restoration of a justice system and compliance with the rule of law entail in societies undergoing transitions, given the complexity of those challenges. The question is rather one of the shared responsibility of States and the international community. Here, the role of the United Nations must come to the fore, particularly through its machinery for cooperation, which my delegation considers a critical factor to ensure that the rule of law becomes a universal reality.

For many developing countries and transition countries, in particular, technical assistance is crucial for implementing the rule of law and strengthening the system of justice. Such assistance can often benefit recipient as well as donor countries.

The United Nations must take a pragmatic approach by establishing, for example, a special trust fund to meet the particular assistance needs of developing countries and making clear that technical assistance, training, exchange of information and expertise in matters of justice and enforcement of the rule of law, as well as financial assistance, will always be needed to strengthen democratic institutions, the effective implementation of the rule of law and community involvement in crime prevention. Such assistance will also be needed to establish programmes that deal with the scope of the justice system as a whole or specific aspects of criminal justice.

My Government would like to thank the Secretary-General for the assistance that he has provided to the independent electoral commission of my country. We have also noted the Secretariat's readiness to assist other institutions in our Republic in support of democracy, including a human rights observer mission and a truth and reconciliation commission. That commission must investigate all cases of human rights violations committed during the war. This will also be an appropriate venue for humility, contrition and forgiveness. I firmly believe that the Congolese people will show forgiveness.

But there are cases, as with military officers whose names are listed in the report of the High Commissioner for Human Rights (S/2002/764), for which no concession should be made. In particular, I have in mind General Laurent Mihigo Nkunda, the former commander-in-chief of the Seventh Military Brigade, a former unit of the Rassemblement congolais

pour la démocratie-Goma (RCD-Goma), who, sadly, gained personal notoriety in the massacres that took place in Kisangani in May 2002.

I encourage all international and national non-governmental organizations, witnesses of the massacres in Kisangani, the families of the victims of that city and families of the soldiers of the former unit of the RCD-Goma, who were summarily executed in 2002, to prepare their cases to claim damages at the appropriate time. The Congolese people and the neighbouring countries are asked to provide their full cooperation so that Mr. Laurent Mihigo Nkunda can be arrested and immediately brought before the Congolese justice system.

To sum up, in order to ensure lasting security — a prerequisite for respect of the rule of law — my country calls for the establishment of active cooperation through exchanges of information, experience and knowledge, and for the provision of technical assistance in the area of justice and respect of the rule of law.

We call also for the elaboration of measures that will help to strike an appropriate balance between suppression and prevention while at the same time safeguarding human rights; and, finally, for the establishment, with respect to the rule of law in the Democratic Republic of the Congo, of an international criminal court that can prosecute and punish the perpetrators of the many massacres and other massive human rights violations committed on the territory of the Democratic Republic of the Congo.

The Democratic Republic of the Congo awaits prompt and responsible action on the part of the Security Council, which must not shirk its responsibilities.

The President: I now call on the representative of Argentina.

Mr. Cappagli (Argentina) (*spoke in Spanish*): Mr. President, I should like at the outset to congratulate you and sincerely to thank you for having convened this debate.

The rule of law is a system in which the law provides a standard common to all individuals. The rule of law and justice legitimize the actions of Governments, securing dignity, security and prosperity for all citizens, without any distinction.

In the past decade a very significant change has taken place in the way of thinking of the international community. The Security Council today is clearly aware that, in a society without guarantees of the rule of law, peace will prove ephemeral or difficult to achieve. If, moreover, in such a society there arises a conflict, the matter may go to the agenda of the Council. That trend may be seen, for instance, in the classical concept of peacekeeping operation applied during the cold war, which today has undergone a far-reaching change.

Unlike their traditional role of monitoring observance of ceasefire lines, peacekeeping operations today have become missions with multidimensional capacities and mandates involving a growing complex of elements and actors — State actors, international and private actors, all pursuing the ultimate goal of ensuring the construction of a lasting peace in societies emerging from conflicts.

In this new kind of peacekeeping operation, we can clearly see the fundamental role that is being played by the rule of law, reparations for injustices and the creation of police, legal and judicial structures aimed at building a society in which the rule of law can prevail.

It is clear today that, for a society emerging from conflict, the long-term viability of peace and democracy very often, if not always, implies the reign of justice. A society that has not, in some effective and generally accepted way, overcome the injustices besetting it, although it may enjoy social peace and security, will not truly recover.

Justice and its opposite, impunity, have decisive relevance in the pacification of societies torn by conflicts. Impunity, unfortunately, was very common in the latter half of the twentieth century, and undoubtedly that situation encouraged perpetrators to continue with their crimes.

In the early 1990s, the Security Council, after decades of inaction, brought about a significant change. Resorting to a more creative interpretation of its powers under Article 39 of the Charter, the Council decided to create special jurisdictions designed to try the major perpetrators of the most heinous crimes. It thus established the international tribunals for Rwanda and Yugoslavia, the Special Court for Sierra Leone and various other jurisdictional mechanisms designed to respond to situations in Kosovo, Timor or Afghanistan.

In adopting these types of measures, the Council finally addressed head-on the most complex issue in the pursuit of justice and the rule of law in all societies, namely, definitively overcoming injustice. The subsequent actions taken by the jurisdictions created by the Council showed that this step, despite all the attendant difficulties, proved to be a substantial step towards a return to peace.

Despite the redress provided by these new jurisdictional mechanisms, they applied only limited, special and provisional solutions to specific cases, generally superimposed on the local justice system and, moreover, subsequent to the crimes.

The fight against impunity required a universal jurisdictional mechanism, one that existed prior to the commission of the crime and one that was permanent. For those reasons, the international community decided to create the International Criminal Court, a decisive tool for the rule of law and the safeguarding of fundamental human rights.

That Court is complementary to national sovereignties. It is not in competition with them. It is based on the consent of the State, freely given upon ratifying the Rome Statute. Before zealously undertaking its own prosecutions, it endeavours to see States set in motion their own courts in the full exercise of their sovereignty and combat impunity through their own systems of justice. Thus it ensures that local authorities applying accepted principles of justice are universalizing the effective application of the rule of law.

The Criminal Court thus constitutes the embodiment of the historic aspiration for justice on the part of all the peoples that make up the United Nations. For that reason, we must continue to insist that the profound meaning of this institution be understood, which will revitalize the international legal edifice, ensuring that the application of the law around the world is not thwarted.

In the operational sphere, the Security Council should ensure that its mandates adequately take into account the justice and rule of law component. It should do so by adapting to the requirements imposed by the society that needs assistance, and the Council's action should seek to restore to that society the capacity to be the master of its own fate — not to impose imported solutions.

To that end, the Council, before adopting any mandate, must have a sufficient understanding of the characteristics and needs of that society, evaluating them with care. Prior evaluation, then, is very important.

In the context of the mandates, we should seek to revitalize, insofar as it is acceptable, local mechanisms and solutions. We should seek to help wounded societies to restore justice by applying and improving their own legal systems. This may prove to be a more lasting solution than seeking to impose exogenous formulas. After all, what we are seeking is that, in such a society, a transition should take place towards governability based on the rule of law — its own law, the law that was violated. The certainty that such a society's own laws will be restored could contribute to restoring the dignity and honour of that community.

The training of local police is key. Society will trust their police only if citizens perceive them to be professionals that are independent in relation to political or other factions. Conscious of that reality, Argentina has assisted by sending hundreds of police instructors to participate in various peace missions.

Finally, imagination, flexibility and resources will always be indispensable. But perhaps the most important of all is for the Security Council, the Secretariat and all organs of the United Nations to institutionalize once and for all in their procedures, strategies and policies the elements that the United Kingdom has invited us to consider today. Justice and the rule of law are prerequisites for community Life. Peace is not possible without them.

The President: The next speaker inscribed on my list is the Minister for Foreign Affairs of the Republic of Trinidad and Tobago, His Excellency The Honourable Knowlson Gift. On behalf of the Council, I extend a warm welcome to the Minister and offer him the floor.

Mr. Gift (Trinidad and Tobago): I wish to thank the United Kingdom presidency of the Security Council for holding this open debate on an issue of such great relevance in current international relations. It is not surprising that this initiative comes from a country such as the United Kingdom, the source of one of the major legal systems of the world, founded on the principles of natural justice.

The United Nations was founded after the Second World War with the objective of saving succeeding generations from the scourge of war. However, that goal of peace for all mankind cannot be assured without strict observance by all members of the international community of the fundamental principles and purposes of the Charter upon which the Organization is based. Observance of the fundamental principles of international law enshrined in Article 2 of the Charter is essential for creating and maintaining a clearly defined and reliable international system to govern inter-State relations. Where that system is allowed to fragment, for example through the selective application of international law and justice or through the avoidance by States of their international responsibilities, such deterioration lays the groundwork for anarchy in international relations.

History has repeatedly shown that justice and peace are inextricably linked and that one cannot exist without the other, whether it be social justice, economic justice, the recognition of fundamental human rights and freedoms or respect for the rule of law. Accordingly, the United Nations has a key role to play in promoting the principles of international justice and the rule of law. While the Security Council is charged with the primary responsibility for the maintenance of international peace and security, ensuring justice and the rule of law is not the domain solely of this organ. Every part of the United Nations system has an important role to play in the quest for international peace and justice, which cannot be achieved in a vacuum and which cannot be imposed externally without the participation of local actors.

The work of the many organs and bodies of the United Nations system is intended to benefit the ordinary man in the street, to improve his conditions of life and to ensure a better world for him and future generations. The General Assembly, the Economic and Social Council, the Trusteeship Council, the Security Council, the Secretariat and the International Court of Justice in particular have all contributed significantly to those goals, according to their distinct spheres of influence, and, in doing so, have contributed to creating the conditions that will lead to peace and respect for the rule of law.

It is significant that the framers of the Charter could not conceive of a permanent international organization of States without a permanent judicial body to adjudicate the disputes that might arise between them. While the international community has focused much attention in recent times on the enforcement provisions of Chapter VII of the Charter, the Security Council should pay more attention to the provisions of Chapter VI and to the role that the Security Council should play in encouraging parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, to resort to the peaceful means for dispute settlement referred to in Article 33 of the Charter. In that regard as well, particular attention should be paid to the fact that parties should as a general rule refer legal disputes to the International Court of Justice in accordance with the provisions of the Statute of the Court. Recourse to Chapter VI would therefore help to strengthen the international rule of law in the settlement of international disputes that could threaten international peace and security.

The Security Council has had some notable successes in the deployment of peacekeeping missions in many conflict situations and peace-building efforts aimed at restoring justice and the rule of law in post-conflict situations. It is important to ensure the participation of local actors, so that they can feel that they are a part of the process of justice and reconciliation. In that regard, much has been accomplished in building up national systems of law and order, such as the training of local police and law enforcement officials and the strengthening of domestic legal systems, including national courts.

The Security Council's establishment of ad hoc tribunals to punish the perpetrators of grave crimes against the peace and security of mankind committed in specific conflict situations has proved successful, as in the cases of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR). More recently, the Special Court for Sierra Leone, which has now indicted a number of the individuals most responsible for the atrocities committed there, has contributed somewhat towards ensuring justice for the victims of the crimes and their families. Those tribunals, together with truth and reconciliation commissions in post-conflict situations, have made a significant contribution to the search for justice and the restoration of peace, especially where individuals are able to participate in re-establishing the rule of law in their own societies.

While noting the success of those tribunals, the international community now has a permanent

International Criminal Court to bring to justice the persons responsible for precisely the types of crimes for which those ad hoc tribunals were created. In post-conflict situations, the capacity of national authorities to prosecute such crimes must be strengthened through appropriate forms of international assistance. On the other hand, the International Criminal Court (ICC) can make a significant contribution to international peace and security by requiring that justice be administered at the national level. The ICC operates on the fundamental principle of complementarity: the obligation for the State to prosecute remains, and it is only where national authorities are unwilling or unable to prosecute that the Court may step in. The ICC embodies an important principle first established by the Nuremberg Tribunal and further recognized by the Security Council through its inclusion in the statutes of the ICTY and the ICTR: no one is above the law and no one will escape punishment for such horrendous crimes.

In conclusion, observance of the international rule of law and justice for all peoples is the sine qua non for a just and peaceful world. The strengthening of the rule of law, both internationally and nationally, is the guarantee of the peaceful coexistence of all States and all peoples' enjoyment of those inalienable and fundamental human rights and freedoms with which all mankind is endowed.

The President: I thank the Minister for Foreign Affairs of the Republic of Trinidad and Tobago for the comments he addressed to the United Kingdom. I now call on the representative of the Republic of Korea.

Mr. Kim Sam-hoon (Republic of Korea): I would like to extend the appreciation of my delegation to the presidency for initiating this valuable discussion on justice and the rule of law. Throughout the history of the United Nations, the shared values of justice and the rule of law have served to unite the international community in its effort to prevent conflicts and re-establish ordered and equitable societies in regions of conflict.

From the experience of the United Nations in Bosnia and Herzegovina, Kosovo, East Timor, Sierra Leone and Afghanistan, we have learned that, in breaking cycles of conflict, establishing a credible system of justice and the rule of law is as crucial as providing security and basic humanitarian aid on the ground. A peace achieved without the foundations of justice and the rule of law may be tentative and fragile. We should thus view the institution of justice and the rule of law in post-conflict societies as an investment in a sustainable, durable peace. Reasserting the leading role of the United Nations in creating, advancing and maintaining global peace, the Republic of Korea believes that the Security Council should continue to integrate justice and the rule of law into the scope of its work in rebuilding post-conflict societies.

Against that backdrop, the Republic of Korea would like to highlight the importance of capacity-building at the local level. Experience has shown that, in order to translate the lofty principles of justice and the rule of law from rhetoric into action, these concepts must take root in the afflicted society at the grass-roots level. Public awareness and educational programmes have proved to be effective in that regard. However, these programmes represent, not an instantaneous solution, but rather a long-term commitment to gradual societal change. Moreover, it is important to note that a society will adopt these values only if they are promoted in a way that is compatible with the long-standing traditions and beliefs of its people. Therefore, we must tailor our approach to each unique situation.

Indeed, the process of establishing justice and the rule of law cannot take place in an atmosphere of impunity and violence. Without a system in place for addressing human rights violations and crimes against humanity, there can be no public confidence that the workings of its society will be fair, impartial and transparent, and thus there can be no momentum towards reconciliation and stability. We believe that the United Nations war crimes Tribunals in Rwanda and in the former Yugoslavia constitute constructive examples of judicial processes that have played a crucial role in securing justice in post-conflict societies.

However, as noted by the Secretary-General, the objectives of justice and reconciliation can sometimes be at odds. Somewhere between amnesty and uncompromising justice, each society must strike its own delicate balance that will enable it to establish sufficient justice to restore peace and to move onward from its violent past.

In contemplating these complex issues, inherent in propagating justice and the rule of law, we are always reminded of the constraints imposed upon our noble mission by the limited time and resources of the Security Council. While the Council should indeed

make every effort to carry out its mandate to secure global peace, the close coordination and cooperation among the various organs and institutions of the United Nations system and non-governmental organizations can be invaluable in implementing longer-term commitments to establishing the rule of law and justice in post-conflict societies. Through a careful and informed division of labour, we can prevent any overlap that might cause the overburdening of the Security Council while ensuring that the multifarious needs of all post-conflict societies are met.

In concluding, I would like to express the sincere hope of my delegation that our deliberations today will contribute to our common endeavour to safeguard the fundamental freedoms and interests of people in post-conflict regions through the promotion of justice and the rule of law.

The President: I now call on the representative of Brazil.

Mr. Sardenberg (Brazil): At the outset, I would like to thank you, Mr. President, for the initiative of bringing this timely subject to the attention of the Council. The issue of justice and the rule of law becomes even more relevant at a time when the Secretary-General and an overwhelming number of leaders are underlining the need for a thorough reassessment of the overall work of the United Nations system — specifically that of its main bodies.

I should like to begin by recalling that the General Assembly has made a fundamental contribution to this issue, as in recent years it has discussed and adopted a number of resolutions that serve to establish parameters for efforts in the promotion of justice and the rule of law. In the General Assembly, Brazil traditionally sponsors a resolution called "Strengthening of the rule of law", aimed at reaffirming the importance of this subject in the work of the United Nations.

General working guidelines are certainly important and helpful. Nevertheless, transforming theory into daily practice is a real challenge before the Organization and the Council as we face diverse situations and realities. There is no affordable one-size-fits-all approach, as the Secretary-General has already emphasized.

United Nations actions must always be based on the United Nations Charter and on international humanitarian law and human rights standards. The more disrupted and unstable a situation is, the more important it becomes to provide adequate responses and to make available a framework of legal guidelines and principles to confront lawlessness and to promote stability.

Among the conclusions of last year's report of the Executive Committee on Peace and Security task force on the development of comprehensive rule-of-law strategies for peace operations, I would highlight the priority assigned to the engagement of local actors — Government officials, local non-governmental organizations and community organizations — in undertaking rule-of-law operations. The United Nations should continue to consult with such actors as early as possible in the mission-planning process, as well as in all subsequent phases. Models are to be developed, not imposed. Our efforts should be aimed at paving the way for a smooth transition when the time for a mission's exit has arrived.

In order to ensure such an outcome, strong local institutions must be set up. Promoting the rule of law goes beyond defending a principle or even establishing a mechanism; it also involves creating material conditions for justice — namely, training law enforcement agencies, building correctional facilities, renovating local courts and assisting judges and lawyers.

I should like to stress three aspects of a successful role for an international presence on the ground. First, that presence must be neutral and willing to provide for inclusive participation by all sectors in the process of rebuilding institutions that may lead to a true and credible democratic society. Secondly, international actors must behave as facilitators, leaving no doubt that sovereignty belongs to the people themselves and that its restoration is the goal to be achieved. Thirdly, we must take a stern attitude when dealing with the legal fate of perpetrators of crimes against humanity. Omissions may send a wrong message in the shaping of a new reality on the ground.

The International Criminal Court is an achievement of paramount importance in the history of law. It clearly states that impunity is not acceptable, regardless of one's position or prestige. We call on all Member States to adhere to the Rome Statute so as to make that message even clearer.

Truth and reconciliation committees have proved to be effective instruments in facilitating the transition to a new reality. As demonstrated by the experiences of, among other countries, Timor-Leste and South Africa, finding ways to deal with the legacy of the past in a constructive and objective manner is an important aspect of the process of reconstructing societies. Finally, I believe that justice and the rule of law are indispensable to nation-building processes. The setting up of the Economic and Social Council ad hoc advisory groups dedicated to post-conflict situations in specific countries such as Guinea-Bissau and Burundi is a very useful step. It is highly advisable that coordination between the Security Council, the Economic and Social Council and other United Nations organs be reinforced in order to facilitate the reintegration of war-torn countries into the international community. Brazil will continue to contribute to this cause.

The President: I now call on the representative of Azerbaijan.

Mr. Aliyev (Azerbaijan): First, let me join the previous speakers in expressing our appreciation to the United Kingdom presidency for his timely and pertinent initiative in bringing the crucial issue of the role of the United Nations in ensuring justice and the rule of law to the fore of our attention.

It is not easy at this juncture of the deliberations to uncover any new, unspoken arguments in favour of the vitality of these two notions concerning the maintenance of international peace and security. Thoughtful consideration has also been given to the importance of the more ambitious role to be performed by the United Nations in this context.

The unanimity of views expressed by Council members last week, as well as by other speakers today, bodes well for the eventual increase in the ability of the United Nations to enforce these two pillars of the international code of conduct anytime and anywhere such a need arises. In this regard, one cannot but fully agree with the Secretary-General that "the rule of law is not a luxury and that justice is not a side issue". *(S/PV.4833, p. 2)*

The international community, and by this I mean in the first instance the United Nations and its Security Council, should be resolute, motivated and bold enough to promote and enforce international law anywhere necessary and to restore peace and security, including the undermined sovereignty, territorial integrity and political unity of its own Member States.

It should also be consistent in doing so, because otherwise the notorious practices of double standards and selective approaches that are unfortunately sometimes favoured by the international community will seriously shatter its credibility. The result of this is that the confidence in the role of the international community on the part of a victimized Member State is ruined and, at the end of the day, the victim of injustice might truly believe that it has to rely solely on its own means in righting wrongs and restoring justice.

Inaction or lack of sufficient action on the part of the United Nations in ensuring the implementation of its own decisions sends another wrongful and dangerous signal to the violators of justice and the rule of law. The latter begin to believe in their permanent impunity and thus lack any motivation to engage in the meaningful search for peace. Therefore, putting an end to this environment of impunity should be the primary role and responsibility of the United Nations.

With regard to a specific matter in question, namely the ongoing conflict between Armenia and Azerbaijan, how much longer will the United Nations and its Security Council turn a blind eye to a situation in which four of the Council's resolutions — 822 (1993), 853 (1993), 874 (1993) and 884 (1993) continue to be ignored by the aggressor State of Armenia?

How much longer will nearly 20 per cent of the territory of Azerbaijan, recognized as such by the United Nations, continue to remain under Armenian occupation? How much longer will the bitter suffering of nearly one million Azerbaijani refugees and displaced persons, who were ousted from their homes more than ten years ago and who face another winter in tent camps endure? Unfortunately these questions have remained unanswered during all these years. It is also unfortunate that the Security Council fell short of even naming the aggressor State, let alone taking concrete action against the country that has openly challenged the entire world by occupying and committing ethnic cleansing in another State's territory.

The United Nations should be able to respect its own decisions. If it wants to strengthen its image and role in tackling pressing international issues, it should openly challenge the attempts by some countries to behave on the basis of fait accompli and force them to

be guided by the letter and spirit of the founding document of this house organization, the United Nations Charter.

In conclusion, let me reiterate the view expressed previously by a number of delegations here, that the primacy of the rule of law must be the real and sole basis for the comprehensive settlement of ongoing conflicts, especially those inter-State conflicts that have resulted in the violation of the sovereignty and territorial integrity of United Nations Members States.

The role of the United Nations in this regard can hardly be overestimated. We genuinely believe that this debate will produce practical results and will not go down on the record as a futile discussion. I believe this will then be to the benefit of all those who desire the United Nations to be able to efficiently further its primary mandate.

The President: I now call on the representative of Denmark.

Ms. Løj (Denmark): At the outset I would like to fully associate myself with the statement made earlier by the Italian presidency of the European Union (EU). The EU has, for a number of years, both collectively and bilaterally placed strong emphasis on supporting justice reform and the rule of law in our development cooperation in general and in post-conflict situations in particular.

Allow me to offer a few complementary comments on these issues from a Danish perspective and to share some lessons learned from our own assistance efforts in three specific post-conflict situations.

We can only echo the call for ensuring the establishment of strong local institutions in post-conflict societies. But that does not exempt the international community from the obligation to assist in building rule-of-law institutions. On the contrary, the challenge is addressed through financial and technical assistance, transfer of know-how and advice to support local efforts and to be open to innovative ways of carrying through these efforts.

In this context, let me offer three examples where Denmark, in post-conflict societies, has sought to contribute to the rule of law.

Danish transitional assistance to Albania after the Kosovo crisis in 1999 consisted both of technical and financial support and was instrumental in setting up a number of rule-of-law institutions, including the office in Tirana of the Albanian Ombudsman.

Today the Ombudsman Office is processing impressive numbers of complaints from Albanian citizens, some of them leading to resolution of difficult problems between citizens and the State. The Office reports to Parliament and constitutes an important building block in the country's rule-of-law efforts.

The Danish Transitional Assistance Programme to South Africa, which was initiated in 1994, included support for the process of reconciliation and democratization by strengthening the democratic institutions and ensuring popular participation and the promotion of good governance, respect for human rights, accountability and efficiency in the public sector, particularly within the police and the judiciary.

The process in South Africa shows that reconciliation on the one hand and the very firm application of the law and legal justice on the other do not always sit together easily and that national reconciliation in post-conflict societies may require greater reliance on a process-oriented rather than a result-oriented legal process.

Finally, in the West Nile region of Northern Uganda, Denmark and other donors have been heavily involved in facilitating peace-building between the rebels and the Government of Uganda. A Peace Agreement was signed on 24 December 2002. The successful implementation of this Agreement is of key importance in promoting peaceful resolutions to other ongoing conflicts in Northern Uganda. This assistance to Uganda serves to illustrate the role of justice and rule-of-law assistance in what could be termed "pre-post-conflict resolution", that difficult period where bringing an ongoing conflict to the end by political means may mean hard choices between full justice and peace.

Overall, our experiences in supporting judicial reform and the rule of law seem to indicate the following important lessons learned.

First, close coordination between both bilateral and multilateral donors is of the utmost importance in order to avoid wasteful duplication and competition between different concepts and approaches.

Secondly, interventions in the legal area are often highly delicate and politically sensitive processes.

Impartiality is crucial, which gives the United Nations a comparative advantage. We would like to see the United Nations Development Programme further develop and target its capacity in that area. Broader interagency consultations between various United Nations actors on a possible division of labour and further specialization in that field should also be considered in order to better prepare and harness the United Nations to render assistance in the often very complex post-conflict situations.

Finally, we should also be cognizant of the possibilities of tapping into the vast resources of the community of non-governmental organizations (NGOs) in the areas of the rule of law and legal reform. Many local NGOs, including human rights groups and so on, are highly skilled and can sometimes, in cooperation with international NGOs or United Nations organizations, play an important and very cost-effective role in training and building capacity in the area of the rule of law in the public administration of many countries.

The President: I now give the floor to the representative of Bahrain.

Mr. Almansoor (Bahrain) (*spoke in Arabic*): The United Nations was created for noble purposes, among which were sparing future generations from the scourge of war and promoting respect for human rights so that everyone might leave in freedom and peace. The primacy of the rule of law, justice and respect for commitments stemming from treaties and other sources of international law are the real ways of building a society in which international justice reigns supreme.

The role of the United Nations, which includes promoting justice and implementing the primacy of the rule of law, is both important and crucial. The United Nations works to quell the conflicts that break out throughout the world and tries in equal measure to prevent conflicts. The Organization therefore plays an important role in the protection of civilians during armed conflict and in building and safeguarding peace and providing assistance to countries that want to maintain their independence in the various regions of the world. The United Nations has in fact been able to quickly lend its assistance to countries aspiring to freedom and independence. In that regard, we would like to salute the United Nations efforts to safeguard international peace and security throughout the world.

The fact that the United Nations was able to emerge from the difficult challenge it confronted prior to the war in Iraq is a source of satisfaction. It would be a good idea for all of us to adhere to a single vision, namely, to help the people of Iraq rebuild what the war has destroyed. In that connection, we must give the United Nations a greater and more important role so that it may prepare the people of Iraq to once again assume responsibility for full sovereignty of their country.

The Security Council has met on numerous occasions to address various issues. It has been able to act as a fair judge and to make praiseworthy efforts to promote the principles of justice and to assert the primacy of the rule of law. The United Nations has therefore played the role conferred upon it by the Charter.

At the same time, however, we have noted that the question of the Middle East has not always benefited from those efforts, as the principles of justice have been paralysed. The Security Council is in fact seized of the Middle East question. In that regard, however, we note that noble principles are often sacrificed to double standards. In fact, we often allow oppression and arrogance to prevail, thereby denying international justice vis-à-vis the Middle East.

The Government of Israel must implement the road map. It must permit the establishment of a Palestinian State that has Al-Quds Al-Sharif as its capital. The Government of Israel must also implement Security Council resolutions; otherwise the Palestinian people will continue to have the right to defend themselves and to resist Israel's unfair occupation.

We must distinguish between terrorism, on the one hand, and the right of a people to legitimate self-defence and to resist occupation by force, on the other. In the same vein, we hope that all the relevant international resolutions regarding the Arab-Israeli conflict will be implemented and that the Security Council will assume its duties with regard to the principle of ensuring international peace and security, which is enshrined in Article 24 of the Charter. We also hope that the Council will take all necessary measures under Articles 41 and 42 to guarantee justice for all mankind.

The President: That concludes the speakers' list as I have it.

There was a question of whether or not there would be a need to respond to some of the points made. Given the number of legal questions that have arisen, I propose, with the consent of the Council, to invite Mr. Hans Corell, the Legal Counsel of the United Nations, to take a seat at the table in accordance with rule 39 of the Council's provisional rules of procedure and to give a brief résumé from his particular expertise on actually where we are on this issue. That would be done with Mr. Annabi's approval — he is waving in response in favour of Mr. Corell. I am grateful to them both for their cooperation on this matter.

I give the floor to Mr. Corell.

Mr. Corell: I would like to start by referring to Mr. Guéhenno's statement this morning. As the Security Council will have noted, his statement was made on behalf of several Departments, including the Office of Legal Affairs.

But of course, for the Legal Counsel of the Organization this debate is important. No one could be more grateful than me and my staff in the Office of Legal Affairs that the Council is now discussing this matter. For someone who has devoted the better part of his career to these issues, it is heartening to see the Council now specifically addressing the question of the rule of law. I see that as recognition of the very close link that exists between peace and security and the rule of law. Several speakers have made reference to that fact. Out of those many I would just refer to the statement made by the representative of Argentina, who at this meeting said that

(*spoke in Spanish*)

> "Justice and the rule of law are the precondition for community life. Peace is not possible without them."

(*spoke in English*)

The phrase "rule of law" is often used, but what do we mean by it? To what law are we referring? Certainly, that is a law that must be adopted under democratic principles and in the observance of international standards. Some of the member countries of the Organization have the luxury of having had their law developed over centuries at the national level. Gradually that law has been adapted to present-day conditions.

In other societies, the situation is different. Several speakers made reference to local traditions. I had the privilege of meeting with the chief justices and ministers of justice of most countries in Africa at a conference in Abuja in February. It struck me, coming from a different tradition, what an immense task lies ahead of them, because there they have local traditions without which they cannot do. They simply have to have justice done at the very local level out in the villages, while at the same time being able to participate in the international community, in particular in international commerce, where the laws are set according to international standards of a very modern nature.

What I would like to point to here is that, when we speak we speak about the rule of law, it is important when one enters an area that one look carefully at the local traditions, but that one bears in mind the very important standards that this Organization has set in the field of human rights. I point to the 1948 Universal Declaration of Human Rights and the important documents derived from that Declaration.

In this sense, this issue goes far beyond peacekeeping operations. The Secretary-General himself, a few years ago, asked us in the Secretariat about what we thought were the most important issues he should focus on for the future. Needless to say, peace and security came out as number one. Number two was the rule of law in international relations and the rule of law at the national level. Now, he has been very faithful to that assessment and he constantly reverts to it. I refer members to his report before the Millennium Assembly, to which the General Assembly responded very forcefully in the Millennium Declaration. I refer in particular, if I recall correctly, to paragraphs 9, 24 and 25 of that resolution.

As to the rule of law, most speakers have focused on the justice system and the importance of having good administration. I would suggest that one could look at this as three pillars, the first being the parliament and the Government of the country itself. They are the first ones who have to observe the laws of the country — the Constitution and the laws they have themselves enacted. In a sense, they are the first ones who must bow to the dictates of the laws that they have passed. The second pillar is a responsible and accountable administration. I would suggest that the majority of the population in any society will always encounter the administration of the country, not

necessarily — and thankfully — the judiciary. Third — and this is what members of the Council have focused on — is an independent and impartial judiciary.

Who, then, is to form all this when assistance has been given and countries are left to deal with this on their own? Ultimately, it comes to the people who are set to exercise these functions — ordinary people who emerge from among the citizens of the country. There are three things, I think, that we should bear in mind here. The first is that these people must have sufficient knowledge of how the system works. They must have the necessary skills. Secondly, they must understand — and this is very important — that they are set to serve the society in which they work. Nothing else — they are servants of their societies. Thirdly, they must have the integrity to exercise their functions. Here, I would also focus on the more senior officials in any national system. They have to set the example as teachers and mentors of a generation.

Finally, by the same token, it is important that the Security Council take the lead in setting the example at the international level. The power of this Council is far-reaching. I think that this debate initiated by the United Kingdom becomes of great importance when the Council is seized with a matter, because then the situation at the national level is very precarious indeed. Many of the issues the Council has discussed today are difficult enough to cope with in the most organized society, so what, then, is the situation like in the States with which this Council is engaged?

Let us hope that the work in which we are all engaged will prove useful in developing our tools to assist populations in difficulties.

The President: There are no further speakers inscribed on my list.

I thank all those who contributed to the ministerial discussion and all those who have contributed today. I am conscious of the breadth of the challenge, the amount of work which has been identified and, indeed, of the number of different organs and agencies of the United Nations that are involved in this subject in one way or the other. The Secretary-General's report, which he will issue in due course, will be a response on behalf of the United Nations family to these issues. We very much envisage that this will be substantive and practical. It will address some of these issues, so that, in principle, taking a country coming out of conflict towards the restoration of the rule of law will be facilitated by the work that we have started.

But we have only started it in the Security Council in the past week. We have been reminded of all the other work that is going on and part of the challenge will be to bring that together so that there is a more coherent approach. Anyone wishing to submit comments in writing is very welcome to do so. The presidency will now reflect on what it can do to help further the work and may well issue a note under its own responsibility, trying to pull some of this together.

It would be remiss of me at the end of a month if I did not thank colleagues for their cooperation and the Secretariat for its assistance, especially the services of the interpreters and the security personnel, which have been an indispensable help to the presidency.

The meeting rose at 1.40 p.m.

United Nations S/PV.4836

Security Council

Fifty-eighth year

Provisional

4836th meeting

Sunday, 5 October 2003, 4.45 p.m.

New York

President	Mr. Negroponte	(United States of America)
Members	Angola	Mr. Gaspar Martins
	Bulgaria	Mr. Tafrov
	Cameroon	Mr. Belinga-Eboutou
	Chile	Mr. Muñoz
	China	Mr. Wang Guangya
	France	Mr. De La Sablière
	Germany	Mr. Pleuger
	Guinea	Mr. Sow
	Mexico	Mr. Aguilar Zinser
	Pakistan	Mr. Akram
	Russian Federation	Mr. Gatilov
	Spain	Mr. Arias
	Syrian Arab Republic	Mr. Mekdad
	United Kingdom of Great Britain and Northern Ireland	Sir Emyr Jones Parry

Agenda

Letter dated 5 October 2003 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council (S/2003/939)

Letter dated 5 October 2003 from the Permanent Representative of Lebanon to the United Nations addressed to the President of the Security Council (S/2003/943)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

03-54194 (E)

The meeting was called to order at 4.45 p.m.

Expression of thanks to the retiring President

The President: As this is the first meeting of the Security Council for the month of October, I should like to take the opportunity to pay tribute, on behalf of the Council, to His Excellency Sir Emyr Jones Parry, Permanent Representative of the United Kingdom to the United Nations, for his service as President of the Security Council for the month of September 2003. I am sure I speak for all members of the Council in expressing deep appreciation to Sir Emyr Jones Parry for the great diplomatic skill with which he conducted the Council's business last month.

Adoption of the agenda

The agenda was adopted.

Letter dated 5 October 2003 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council (S/2003/939)

Letter dated 5 October 2003 from the Permanent Representative of Lebanon to the United Nations addressed to the President of the Security Council (S/2003/943)

The President: I should like to inform the Council that I have received a letter from the representative of Israel in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Gillerman thereupon took a seat at the Council table.

The President: I should also like to inform the Council that I have received a letter dated 5 October 2003 from the Permanent Representative of the Syrian Arab Republic to the United Nations, which reads as follows:

"On behalf of the members of the League of Arab States, I have the honour to request that the Security Council extend an invitation to His Excellency Mr. Yahya Mahmassani, Permanent Observer of the League of Arab States to the United Nations, to address the Council under rule 39 of its provisional rules of procedure in the course of the Council's consideration of the item entitled 'Letter dated 5 October 2003 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council'."

That letter will be published as a document of the Security Council under the symbol S/2003/941.

If I hear no objection, I shall take it that the Council agrees to extend an invitation under rule 39 to Mr. Yahya Mahmassani.

There being no objection, it is so decided.

The Security Council will now continue its consideration of the item on its agenda. The Security Council is meeting in response to the request contained in a letter dated 5 October from the Permanent Representative of the Syrian Arab Republic addressed to the President of the Security Council.

I now give the floor to the representative of the Syrian Arab Republic.

Mr. Mekdad (Syrian Arab Republic) *spoke in Arabic*: Allow me at the outset to express to you, Sir, our thanks for immediately convening this meeting at the request of the Syrian Arab Republic, Lebanon and the Group of Arab States.

As this is the first open meeting of the month, we congratulate you on your assumption of the presidency and wish you every success in your stewardship.

We also thank Ambassador Sir Emyr Jones Parry, Permanent Representative of the United Kingdom, and the members of his delegation for their leadership of the Council last month.

Allow me to begin by reading out the text of the letter addressed by the Minister for Foreign Affairs of the Syrian Arab Republic to the Secretary-General of the United Nations and the President of the Security Council. The letter has not yet been officially translated. Following my reading of the letter, I shall make my official statement on the item on the agenda.

"I wish to advise you that the Israeli air force, on the morning of Sunday, 5 October, violated the Lebanese and Syrian airspaces and committed an act of aggression by launching guided missiles inside the territory of the Syrian Arab Republic. The target was a civilian site in the village of Ein Saheb, north-west of the capital, Damascus. That act of aggression caused physical damage.

"The Government of the Syrian Arab Republic informs the Council of this flagrant violation of Lebanese and Syrian air space and of this aggression against the territory of the Syrian Arab Republic in open defiance of the United Nations Charter and the norms of international law, and constituting a serious new escalation; it requests an immediate meeting of the Security Council to consider this Israeli aggression against Syrian territory and to consider the measures that the Council must take to deter the Government of Israel from pursuing its provocative policy of aggression against Syria.

"By its persistent aggression against the Palestinians and by deliberately provoking the broadening of the scope of that aggression to include Syria and Lebanon, the present Government of Israel is underscoring that it is a Government of war, not a Government of peace.

"Syria is not incapable of establishing a balance of resistance and deterrence that would force Israel to reconsider its calculations. Syria has exercised maximum self-restraint, because it realizes that on many fronts Israel is provoking pretexts to export its current domestic crisis to the rest of the region, which would thus be exposed to further escalation and volatility.

"Syria, which is at present a member of the Security Council, believes that the Council is the most appropriate forum to address, condemn and halt this dangerous development, with a view to preventing a repetition of such acts; this development poses a threat to international peace and security and exposes the already deteriorating situation in the region to dire consequences that could spiral out of control."

That letter was signed by the Minister for Foreign Affairs of the Syrian Arab Republic.

I shall now make my statement on the item on the Council's agenda. Permit me, Mr. President, to thank you for convening this emergency meeting of the Security Council, in response to the request of the Government of the Syrian Arab Republic, to discuss the flagrant Israeli military aggression within the territory of the Syrian Arab Republic, targeting a civilian site in the village of Ein Saheb north-west of Damascus and causing physical damage.

Let me also express our satisfaction at the statement issued by Secretary-General Kofi Annan, strongly deploring this act of aggression and expressing concern at the potential escalation of an already tense and difficult situation in the region.

This unwarranted aggression — in flagrant violation of the Charter of the United Nations, of international law and of the 1974 Disengagement Agreement between Syria and Israel — is a clear manifestation of an Israeli policy based on aggression and lack of respect for agreements. This Israeli aggression targeting a Syrian village is a true and precise embodiment of Israeli terrorism, while Israel falsely claims to be fighting terrorism and standing against it. Moreover, this terrorist act of aggression provides further proof that the massacres committed by Israel on the pretext of fighting so-called terrorism reflect a big lie and an irrational, foolish claim, all used in an attempt to justify the policy of colonialism and settlement-building in violation of all the principles of peace and security on which the United Nations was founded, and running counter to the peace process that began at Madrid in 1991.

The act of aggression that Israel committed against Syria this morning is part of a strategic policy adopted by the Israeli Government in order to escalate tension in the Middle East, at a time when the international community is pursuing efforts towards a comprehensive, just peace in the Middle East that would ensure peace and stability for all the peoples of the region.

It has become abundantly clear to the entire world that it is beyond belief that Syria — which has respected and complied with the mission of the United Nations Disengagement Observer Force since 1974, as all the sponsors of the peace process and other world leaders can attest — or the powerless Palestinians — who lack weapons and who are languishing under Israeli occupation and harsh oppression — could take

any action posing a threat to anyone, especially as it is common knowledge that the Palestinian people lack an army and a military arsenal anything like those possessed by Israel.

For us, the question that comes immediately to mind is how Israel can persuade the entire world that it is a victim at a time when it forcibly occupies the territory of others, lays siege to them, demolishes their homes, uproots their crops and murders their children rather than joining them at the negotiating table to ensure the implementation of the legitimate rights of all sides, in conformity with the Charter of the United Nations and the norms of international law.

This flagrant Israeli aggression is no isolated incident. In fact, it was preceded by another Israeli violation, committed — without justification or provocation — on 2 January 2003 in the demilitarized zone, which resulted in the death of a Syrian soldier. The UNDOF report on this incident, following an extensive investigation, found that there was no justification for the crime and that Syria had exercised maximum restraint, which averted an escalation of the situation at that point.

It is strange that Israel should continue to violate international agreements and to flout the Charter of the United Nations, to the point where Arabs and many other people around the world have come to believe that Israel sees itself as above international law and as acting beyond the jurisdiction of the resolutions adopted by the Security Council.

It is very strange indeed that the Israeli Government, after several decades of occupation, bloodshed and the flouting of international law, does not recognize that the path to peace lies in Israel's implementation of relevant Security Council resolutions on the Arab-Israeli conflict. All those resolutions remain unimplemented and unrespected by Israel.

Nonetheless, it is important to place on record that Israel's past performance with regard to its respect for international law and the resolutions of the United Nations is not in the least honourable. Israel has defied the United Nations and its resolutions from 1948 to today. General Assembly resolution 181 (II) on the Palestinian State has been dead letter since its adoption. Resolution 194 (III) on the return of Palestinian refugees has not been implemented except insofar as Israel has challenged and denied it. Resolutions 242 (1967) and 338 (1973), which seek to achieve a just and comprehensive peace in the Middle East, are contested, misinterpreted and distorted by Israel.

On this basis, it is only logical that all Member States, with the exception of Israel — which has become a symbol of defiance of the United Nations and its resolutions — should debate international legality and the implementation of Security Council resolutions. The current Government of Israel, through its continued aggression against the Palestinians and its broadening of the scope of that aggression to include Syria and Lebanon, confirms de facto that it is a Government of war and not a Government of peace.

I wish to stress and reiterate here in the Security Council the contents of the letter addressed by the Minister for Foreign Affairs of Syria to this Council, in which he emphasized that Syria is not incapable of establishing a balance of resistance and deterrence that would force Israel to revise its calculations. Syria has exercised maximum self-restraint because it recognizes that Israel is creating opportune pretexts with a view to exporting its current domestic crisis to the entire region, thus exposing it to further escalation and volatility.

Syria has come to the very heart of the house of legality, right here in the Security Council — which represents the hopes and aspirations of millions of Syrians and Arabs and the concerns of many millions more throughout the world who uphold the principles of international law — in order to condemn this act of aggression, which has no justification whatsoever, and to demonstrate once again to the entire world and from this forum our adherence to the United Nations system and its resolutions. In this regard, Syria has officially submitted the text of a draft resolution that responds to the challenges before us, in accordance with the principles of the United Nations Charter. I would stress that the draft resolution on the table reflects the positions usually adopted by the Security Council in the face of similar acts of aggression and threats.

We are fully confident that all members of the Council will respond forthwith and stand up to this Israeli challenge in the context of their ongoing efforts to address any threat to international peace and security. Will the Council meet this new challenge? We are very hopeful that it will.

The President: I give the floor to the representative of Israel.

Mr. Gillerman (Israel): First, let me congratulate you, Sir, on your assumption of the presidency of the Security Council. Let me also express to you my regret that your first meeting should be of this nature and take place on this day.

I wish also to express to Sir Emyr Jones Parry my great appreciation for his able and fair stewardship of the Security Council last month.

This meeting of the Security Council is being convened within hours of Yom Kippur, the Day of Atonement, which is the holiest day of the Jewish calendar. I deeply regret that the Council could not meet after this most important religious day so as to allow Israel to participate fully in the debate. I will, unfortunately, have to leave this meeting after I make my statement in order to observe this holy day.

Yesterday, a Palestinian suicide bomber entered a crowded beachfront restaurant in the port city of Haifa, murdering 19 innocent civilians and wounding at least 60 others. The restaurant — a symbol of Arab-Israeli coexistence, as is the city of Haifa — was frequented by Jewish and Arab citizens of Israel alike, and among the victims were four Israeli Arabs, three children and a little baby girl. Five victims were members of the same family and three were members of another family. Whole families were wiped out by that horrendous act, taking place on the Jewish sabbath on a quiet, peaceful beachfront in the city of Haifa.

Islamic Jihad, a terrorist organization that operates freely from Palestinian Authority territory and has headquarters in Damascus, Syria, proudly claimed responsibility for this massacre. Islamic Jihad is an organization committed to the destruction of Israel through holy war and which engages in the deliberate and widespread murder of innocents to that end. It opposes moderate Arab Governments and actively supports terrorist attacks against Western targets. There could not be a more obvious example of a terrorist organization.

The massacre in Haifa is the latest of over 40 terrorist atrocities committed by Islamic Jihad in the past few years. Among the attacks perpetrated by that organization were the massacre of 21 teenagers at a discotheque in Tel Aviv on 2 June 2001; the bombing of 5 June 2002 at the Meggido Junction, which killed 18 Israelis; the bombing of a commuter bus on 21 October 2002, which killed 14 Israelis; the attack on a shopping mall in the Israeli town of Afula on 19 May 2003, in which three civilians were killed and over 70 wounded; and the attack on 30 March 2003, in which a suicide bomber detonated his explosives at a café in Netanya, wounding 58 civilians.

The encouragement, safe harbour, training facilities, funding and logistical support offered by Syria to a variety of notorious terrorist organizations is a matter of public knowledge. Among the many terrorists group that operate and benefit from the auspices of the Syrian dictatorship are Islamic Jihad, Hamas, Hizbollah, and the Popular Front for the Liberation of Palestine. It is well known that the Secretary General of Islamic Jihad, Ramadan Abdallah Shallah, is one of several terrorist leaders who operate freely in Damascus and receive immunity and support from the Assad regime.

Allow me to briefly detail, for the benefit of Council, the extent of support that Syria, as well as the regime in Iran, afford to terrorist organizations such as Islamic Jihad, which are engaged in the deliberate massacre of innocent civilians.

Safe harbour and training facilities are provided throughout Syria for terrorist organizations such as Islamic Jihad, Hamas and Hizbollah, both in separate facilities and in Syrian army bases. The Ein Saheb base, which was targeted in Israel's measured defensive operation today, is just one of those facilities sponsored by Syria and Iran. Recruits at camps such as Ein Saheb come from Islamic Jihad, Hamas and other terrorist groups. They are taught how to assemble bombs, conduct kidnapping, prepare suicide belts, gather intelligence and establish terrorist cells. Some have also received aviation instruction. Recruits training at those camps are slated to return to Palestinian Authority territory and other areas to set up cells and conduct terrorist operations.

Syria has itself facilitated and directed acts of terrorism by coordination and briefings via phone and Internet and by calling activists to Damascus for consultations and briefings. Three such operatives — Tarek Az Aldin, Ali Saffuri and Taabat Mardawi — have been identified under investigation as specifically designated liaisons for relaying instructions between officials in Damascus and terrorist cells in the West Bank and Gaza. Mr. Mardawi himself has admitted

involvement in many attacks, including a bus bombing in Haifa in May 2001, a suicide attack at a restaurant in Kiryat Motzkin in August of that year and an attack on a bus near Nazareth in March 2002.

Another example comes from an intelligence report provided by the Head of the Palestinian Preventative Security Apparatus on 31 October 2001, which asserts that Hamas, Islamic Jihad and Hizbollah were meeting in Damascus "in order to increase their joint acitivity — with the aid of Iranian money". Instructions are also given to halt terrorist activity when it suits Syrian or Iranian interests to avoid the spotlight, such as following the terrorist attacks of 11 September in the United States. It is very strange that Syria decided to be in the spotlight today and actually put itself in the dock on this very day, after these actions.

Iran, through the use of the Syrian and Palestinian banking systems, sustains a systematic money transfer system, and large sums of money have been transferred to Islamic Jihad as well as other terrorists organizations through Damascus for the planning and perpetration of attacks. Mr. Shallah himself, the Secretary-General of Islamic Jihad, is known to have transferred funds in the hundreds of thousands of dollars from Damascus to the individual accounts of Islamic Jihad operatives such as Bassani ak-Saadi, who is responsible for Islamic Jihad financing in Jenin.

Syria uses its State-run media and official institutions to glorify and encourage suicide bombings against civilians in restaurants, schools, commuter buses and shopping malls. To mention but a few examples, Radio Damascus — far from being a free radio — in a broadcast on 9 May 2002 lauded "the wonderful and special suicide attacks which were executed by some of the sons of the Palestinian nation". In another State-run announcement on 1 January 2002, Damascus Radio declared "The entire world knows that Syria, its political leadership and its Arab people...have turned Syrian Arab soil into a training camp, a safe haven and an arms depot for the Palestinian revolutionaries." And on 13 May 2002, President Bashar Assad himself announced in reference to so-called acts of resistance "If I was not President of Syria I wouldn't hesitate to participate in them." This was not said by Osama bin Laden or by Saddam Hussain, but by a President of a State that is a member of this Council. Syria has also played host to a number of conferences in which senior terrorist operatives from Hamas, Islamic Jihad and other organizations meet.

Syria has facilitated the transfer of arms to Palestinian terrorist organizations such as Islamic Jihad by allowing the transfer of sophisticated weapons from Iran to Hizbollah through Syrian territory. Hizbollah, itself a vicious terrorist organization, has then sought to smuggle those arms to Palestinian terrorist groups, as was evidenced in the Karine A arms shipment and similar incidents.

These are just a few examples of the extent and nature of the involvement of the Syrian regime in the deliberate murder of innocent civilians. Each and every one of these acts constitutes a grave violation of international law and Security Council resolutions, as well as a threat to international peace and security. There are few better exhibits of State sponsorship of terrorism than the one provided by the Syrian regime.

Security Council resolution 1373 (2001), adopted under Chapter VII of the Charter — which in act of the highest hypocrisy Syria itself voted for — makes absolutely clear that States must prevent acts of terrorism and refrain from any form of financing, support, safe harbour for or toleration of terrorist groups. Syrian complicity in and responsibility for suicide bombings are as blatant as they are repugnant. The membership of this arch-sponsor of terrorism in the Council is an unbearable contradiction and an embarrassment to the United Nations. For Syria to ask for a Council debate is comparable only to the Taliban calling for such a debate. It would be laughable, if it was not so sad.

And yet, members of the Council and the United Nations can hardly be surprised at this shameless act of hypocrisy by the Syrian regime. This is the same regime that speaks so often of occupation while it brutally occupies the neighbouring territory of Lebanon. It is the same regime that speaks of international law and human rights while it subjugates its people under a repressive and primitive dictatorship, violating countless international obligations. It is the same regime that supported the Saddam Hussain regime in Iraq in violation of Security Council resolutions and that to this day facilitates the infiltration of terrorists to attack civilian and military targets in Iraqi territory. And it is this same despotic regime that speaks so freely of double standards at the United Nations. Syria would do well to take a hard

look at the mirror and count itself fortunate that it has not yet, for unfortunate reasons, been the subject of concerted international action as part of the global campaign against terrorism — not yet.

The Syrian delegate speaks a great deal about so-called resistance. Perhaps he can tell us precisely, without his familiar diplomatic word games and misrepresentations, how exactly the murder of children and babies in a restaurant is an act of legitimate resistance. Or perhaps he could tell us how the Syrians themselves have dealt with resistance, such as in the case of Hama, in which some 10,000 Syrian civilians were murdered by the Syrian armed forces.

Israel's measured defensive response to the horrific suicide bombings against a terrorist training facility in Syria is a clear act of self-defence in accordance with Article 51 of the Charter. Those actions come after Israel has exercised tremendous restraint despite countless acts of terrorism that have claimed hundreds of innocent lives, for which Syria bears direct and criminal responsibility. It comes after Israel and the international community as a whole have repeatedly called on Syria to end its support of terrorism and finally comply with international law. And it is designed to prevent further armed attacks against Israeli civilians in which Syria is complicit, with a view to encouraging Syria to resolve its dispute through bilateral negotiations in accordance with Security Council resolutions 242 (1967) and 338 (1973), as it is legally required to do. This is not a hypothetical question. Many States members of the Organization and of the Council have been faced with terrorism of far less intensity and have responded with far less restraint and far less concern for human life. And yet the Security Council has not seen fit to scrutinize their conduct. Indeed, on certain occasions the Council has specifically endorsed such defensive measures.

If there is a double standard in this Organization, it is that while some States are afforded the right to protect their citizens, Israel too often is sent the message that its citizens are not worthy of protection. If there is a double standard, it is that some States are able to support terrorism with impunity, while those defending against it are called to account. If there is a double standard, it is Syria sitting at the Council table and raising one hand to vote against terror and the other to perpetrate and initiate terror around the world. For the sake of peace and the reputation of the Council, let there be no such double standard today.

In the face of the rejectionism, aggression and terrorist sponsorship of the Syrian regime, together with Iran and the Palestinian Authority, what would the international community have us do? Like any State faced with such a critical and prolonged threat, Israel must exercise its inherent right and obligation to defend its citizens. What can we tell the Arab and Israeli mothers of children murdered in this weekend's attack in Haifa? Should we say, "We could have prevented the death of your son or daughter. We could have stopped a terrorist from walking into your town, your school, your home, your bedroom — but our hands were tied"? Israel remains committed to a peaceful solution to the Middle East conflict and is ready to make painful compromises to that end. But no peace can come while terrorism prospers. No negotiations can bring progress, while our citizens die on the streets.

Today, on the very eve of the Day of Atonement and the thirtieth anniversary of the Egyptian-Syrian aggression that initiated the Yom Kippur War, we call on members of the Council to come to the aid of the victims of terrorism, not of its sponsors. Syria deserves no support for its complicity in murder, and the Council would commit an unforgivable act of moral blindness were it to act otherwise. The time has come for the Council, which adopted resolution 1373 (2002), and which has been at the forefront of the global counter-terrorism campaign, to hold to account a brutal dictatorship that is world-renowned for adopting terrorism as its primary tool. The world is watching. And today, more than on any other day, God is watching too.

The President: I should like to inform the Council that I have received letters from the representatives of Algeria, Bahrain, Cuba, Djibouti, Egypt, the Islamic Republic of Iran, Jordan, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Morocco, Oman, Qatar, Saudi Arabia, Somalia, the Sudan, Tunisia, the United Arab Emirates and Yemen in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Baali (Algeria), Mr. Almansoor (Bahrain), Mr. Rodriguez Parrilla (Cuba), Mr. Olhaye (Djibouti), Mr. Aboul Gheit (Egypt), Mr. Zarif (Islamic Republic of Iran), Mr. Al-Hussein (Jordan), Mr. Al-Otaibi (Kuwait), Mr. Kronfol (Lebanon), Mr. El-Treki (Libyan Arab Jamahiriya), Mr. Bennouna (Morocco), Mr. Al-Sameen (Oman), Mr. Al-Nasser (Qatar), Mr. Shobokshi (Saudi Arabia), Mr. Hashi (Somalia), Mr. Ersa (Sudan), Mr. Hachami (Tunisia), Mr. Al-Shamsi (United Arab Emirates) and Mr. Alsaidi (Yemen) took the seats reserved for them at the side of the Council Chamber.

The President: I should also like to inform the Council that I have received a letter dated 5 October 2003 from the Permanent Observer of Palestine to the United Nations, which will be issued as document S/2003/942, and which reads as follows:

> "I have the honour to request that, in accordance with its previous practice, the Security Council invite the Permanent Observer of Palestine to the United Nations to participate in the forthcoming meeting of the Security Council to be held today, 5 October 2003, regarding the letter dated 5 October 2003 from the Syrian Arab Republic addressed to the President of the Security Council."

I propose, with the consent of the Council, to invite the Permanent Observer of Palestine to participate in the current debate, in accordance with the rules of procedure and previous practice in this regard.

There being no objection, it is so decided.

At the invitation of the President, Mr. Al-Kidwa (Palestine), took the seat reserved for him at the side of the Council Chamber.

Mr. Akram (Pakistan): As this is the first formal meeting of the Security Council for this month, may I take this opportunity to extend to you, Sir, the warm felicitations of the delegation of Pakistan on your assumption of the presidency of the Council for the current month. We will extend our full cooperation to you to ensure the success of your presidency.

I would also like to express my delegation's congratulations and admiration to Sir Emyr Jones Parry, Permanent Representative of the United Kingdom, for a successful presidency last month.

The Security Council has been established to defend a world order based on the principles and purposes of the Charter. Our Charter prescribes strict rules for the use of force by Member States, and this is envisaged in two circumstances only. The first is in exercise of the right of self-defence against a direct act of aggression or use of force; the second is the collective use of force under Article 42 of the Charter, with the explicit authorization of the Security Council.

The attack perpetrated by Israel against the territory of the Syrian Arab Republic on 5 October did not meet these strict requirements set out in the Charter with regard to the use of force. This was an arbitrary attack, and in legal and political terms it is clearly a violation of the Charter. It is also a violation of the several resolutions that the Security Council has adopted on the issue of the Middle East — resolutions 242 (1967), and 338 (1973), 350 (1974), 1397 (2002) and others.

We welcome the fact that the Government of Syria, instead of retaliating against this wanton attack on its territory, has chosen to approach the Security Council for redress. The Security Council must commend Syria's self-restraint and condemn the Israeli attack against Syria's territory.

A few weeks ago, the Secretary-General warned Member States about the danger of the misuse of the "T" word — namely, terrorism — for actions by States designed to suppress peoples and to achieve their own partisan objectives. We believe that the response of Israel in this case is one such example of the exploitation of the campaign against terrorism for other purposes. The problems that Israel faces are problems that arise from its illegal occupation of Palestinian and other Arab territories. The answer to individual acts of terrorism is not State terrorism, nor is it wanton attacks against other countries, in violation of international law and the Charter of the United Nations. State power must distinguish between acts of terrorism and the legitimate struggle of peoples under foreign occupation for self-determination and liberation.

Pakistan has officially condemned Israel's attack against Syrian territory as a violation of international law. We urge the Council to speedily adopt a decision to condemn that military aggression and to uphold the

sovereignty and territorial integrity of the Syrian Arab Republic.

Mr. Arias (Spain) (*spoke in Spanish*): Today's meeting is taking place due to certain events of grave concern to us. The situation in the Middle East during recent weeks has obligated us to call for prudence and restraint. Any act that will unleash a spiral of violence must be rejected. In that context, we would like firmly to condemn yesterday's attack in Haifa, which we believe was completely odious and reprehensible, regardless of the date on which it was committed. However, that cannot cause us to overlook or minimize the extreme gravity of the attack perpetrated against Syria today. That attack is clearly a patent violation of international law. Accordingly, it is something we believe to be worthy of condemnation. I should also like to appeal for moderation to be exercised in the Middle East. The parties should also understand that reprisals only lead to a dire aggravation of the situation.

Mr. Wang Guangya (China) (*spoke in Chinese*): First of all, please allow me to congratulate you, Mr. President, on your assumption of the presidency of the Security Council for the month of October. China will fully cooperate with you in order to carry out the Council's work this month. I would also like to thank Sir Emyr Jones Parry, the Permanent Representative of the United Kingdom, for successfully presiding over the work of the Council during September.

China is gravely concerned about the latest developments in the Middle East situation. We strongly condemn the suicide bombing of 4 October, which resulted in many innocent civilian casualties. We oppose any measures that may threaten the peace process between Israel and Palestine. We strongly urge both sides to cease acts of violence and any other acts that may exacerbate tensions. We hope that they will return to the proper track of settling disputes through negotiation as soon as possible.

We also condemn Israel's air attack against Syria. Israel's action is a violation of the norms of international law. We are deeply concerned about the negative effect of that action on the situation in the Middle East. We call on all parties to exercise maximum restraint in order to avoid any actions that may lead to further aggravating tensions in the overall situation in the Middle East.

Sir Emyr Jones Parry (United Kingdom of Great Britain and Northern Ireland): I would like to use this occasion to offer you every best wish for your presidency, Mr. President, as well as to affirm the United Kingdom's commitment to offer you every support.

This is the first meeting since the Haifa bombing, so I must begin by condemning strongly the actions that took place yesterday, and to express our condolences to the families of those killed and maimed. I note that Islamic Jihad has claimed responsibility for that action.

Let me be clear that Israel's action today is unacceptable and represents an escalation. Israel should not allow its justified anger at continuing terrorism to lead to actions that undermine both the peace process and, we believe, Israel's own interests. But we have to recognize that terrorists are continuing to attack Israel and that they are being permitted to do so. There is a heavy responsibility on all those who are in a position to act against terrorism to do so. That has been affirmed by the Security Council many times, and perhaps most clearly in resolution 1373 (2001).

Allowing impunity to those committed to using terror as a political instrument serves only to undermine peace and to prevent progress in the Middle East peace process. The United Kingdom believes that lasting security can only be assured by a successful peace process, as was stressed at the conclusion of the Quartet meeting held here in New York on 25 September. We believe that all sides should exercise restraint and now reinforce their efforts to implement the road map. In the next day, the Security Council should do all it can to help bring that about. We will all have to reflect carefully on the best message we can now send in order that we reinforce the prospects of the road map, and do so at a precarious moment in the Middle East.

Mr. Gatilov (Russian Federation) (*spoke in Russian*): Since this is our first statement in the Council this month, we should like to join other delegations in wishing you success, Sir, in your presidency of the Council.

We also thank the Ambassador Jones Parry of the United Kingdom for his very skilful conduct of the Council's work in September.

The course of events in the Middle East is of growing concern and alarm. Following the large-scale terrorist act in Haifa, the Israeli air force, for the first time in many years, sent missile strikes against Syrian territory near Damascus, targeting what Israel claimed to be a training camp for the extremist organization Islamic Jihad. It left open the possibility of other attacks against terrorists wherever they may be.

It is very clear that such acts lead to increased confrontation in the Middle East, are fraught with peril for other countries and could trigger even more dramatic consequences, both for the very tense situation in the region and for international security as a whole. Russia urges all parties to the conflict to show maximum restraint and to act in a balanced and responsible way so as to avert any further escalation in the spiral of violence and to prevent regional destabilization, the tragic results of which would be difficult to foresee.

The ongoing escalation of violence in the Middle East requires more energetic action on the part of the international community in order to prevent an even more dangerous aggravation of the situation. It is important now to press the parties to the conflict to halt the confrontation as soon as possible and to restore the political process, the final goal of which is a comprehensive settlement in the region. To that end, what we need above all is to unblock the way forward on the road map, to which there is no alternative in finding a solution to the Israel-Palestine conflict. The Palestinians and Israelis alike must resume their dialogue and begin to carry out their obligations under the road map.

Mr. Pleuger (Germany): Like other delegations, mine would like to welcome you, Sir, in the presidency of the Security Council and to assure you of its support this month.

I would also like to thank Ambassador Jones Parry for the very effective and elegant way in which he did his job as President of the Council last month.

As the German Chancellor said after a meeting with President Mubarak, the action against Syria is not acceptable. The German Government feels that a violation of the sovereignty of a neighbouring State does not facilitate peace and stability in the region and that such action makes the Middle East conflict even more complicated. We, like other delegations, also condemn the suicide bombing that occurred in Haifa and that killed 19 people and injured many more. Our condolences go to the bereaved families of the victims. These acts of terrorism have to be stopped and whoever can exercise influence to that effect should do so.

We are very concerned about the deteriorating situation in the Middle East. We feel that we have to break the vicious circle of violence and counter-violence. De-escalation, we feel, is possible only by a return to implementing the road map as proposed by the Quartet. There is no alternative to the road map for finding a resolution to the Israeli-Palestinian conflict and for creating peace and stability in the Middle East.

Mr. De La Sablière (France) (*spoke in French*): Since this is the first time I am taking the floor this month, like my colleagues who have spoken before me I should like to wish you great success, Sir, in your duties.

I also thank Ambassador Jones Parry for the way in which he conducted our work last month.

We are deeply concerned by the deterioration of the situation and the serious danger of rising tension. We condemn violence from wherever it may come. It is unacceptable and politically ineffective, kills innocent people, obscures the political horizon and can only aggravate the crisis.

The Israeli operation today that targeted a site near Damascus is a grim business and an unacceptable violation of international law and the rules of sovereignty. In a Middle East situation that has already been made precarious by such crises, it is the responsibility of all, particularly of States in the region, to refrain from increasing stability and tension. Any act of terrorism is unjustifiable and should be condemned. Having said that, the fight against terrorism to which France is firmly committed must be undertaken in the context of respect for international law. That is essential.

I stress once again that the situation in the Middle East is most alarming. In such difficult circumstances, we appeal to all parties — particularly the Israelis, Palestinians and Syrians — to allow reason to prevail over the threat of escalation. There can be no lasting security without peace. Peace can prevail only through negotiation, not by the force of arms. It is essential that the opportunity for a comprehensive, just and lasting settlement be sought in accordance with the relevant Security Council resolutions. The road map, which

contains Syrian and Lebanese tracks, must be given a chance.

Mr. Tafrov (Bulgaria) (spoke in French): I should like to extend my delegation's congratulations to you, Sir, on your assumption of the presidency of the Security Council and to assure you of our full cooperation.

I should also like to thank Ambassador Jones Parry for his skilful presidency last month.

Bulgaria categorically condemns the terrorist act carried out yesterday in Haifa, as we always do on such occasions. It is important for all those who make such acts possible to do their utmost to end them by ceasing all material and moral support to them. The murder of an innocent child is particularly repugnant.

Bulgaria believes that Israel's armed action against the Syrian Arab Republic is not in accordance with the Charter of the United Nations or with international law. Like other delegations, we consider it to have been an unacceptable act. The only resolution of the Middle East crisis — which has of late grown more serious — lies in the implementation of the road map devised by the Quartet, as the Quartet itself noted in its statement following its most recent meeting in New York.

Mr. Muñoz (Chile) (*spoke in Spanish*): We might have preferred a different meeting of the Security Council to congratulate you, Ambassador Negroponte, on your assumption of the presidency, to offer you our best wishes and to assure you of our cooperation, as well as to thank Ambassador Jones Parry for his excellent work during the month of September.

Events in the Middle East in recent hours prompt Chile to make the following statement. First of all, we condemn the Israeli air force bombing on Syrian territory, which is an outrage against international law and the principles and purposes of the United Nations Charter. Such conduct is unacceptable and dangerous, because it can widen the conflict and pose additional threats to international peace and security in the Middle East.

Similarly, Chile firmly and harshly condemns the repugnant terrorist attack in Haifa, which killed 19 innocent people and injured some 50 others. Such violence against civilians can never be justified. Chile has condemned in the past and will continue to denounce and condemn all acts of terrorism, whatever their origin. We reject any attempt to justify such acts.

Suicide attacks followed by the destruction of civilian homes, air strikes and further acts of terror constitute a vicious circle of violence that must stop. We appeal to both Syria and Israel to be prudent. We call on them to exercise all due restraint in order to avoid the taking of even graver decisions that would escalate the violence.

The international community views with alarm these developments and their impact on the peace process and the road map on which the Quartet is seeking to make progress for the benefit of the majority, who, we believe, seek peace and coexistence among Israel, Palestine, Syria and all other neighbours in the region.

Mr. Aguilar Zinser (Mexico) (*spoke in Spanish*): Like the Permanent Representative of Chile, I am sorry, Sir, that this should be the first Security Council meeting for the month of October, at which we express our pleasure at seeing you assume the Council presidency. Yet we express to you our confidence and support. Further, our thanks go to Ambassador Emyr Jones Parry of the United Kingdom. He had just joined the Council, but he conducted our work most effectively, wisely and prudently.

Let me begin by conveying my country's condolences to the families of those who lost their lives in the suicide bombing that took place yesterday in a seaside restaurant in Haifa. Nothing can justify such an attack against innocent civilians. It was yet another expression of extremism that contributed nothing to furthering the Palestinian cause. And yet again the Council is obliged to condemn such acts and appeal to the Palestinian Authority genuinely to work to combat and prevent such attacks.

The reprisals taken by Israel in consequence of that attack are equally reprehensible. Israel gains nothing by such reprisals; they only contribute to the spiral of violence of which Israel and its citizens are the victims. The Israeli attack on Syrian territory was a clear violation of the United Nations Charter; it was a grave act that endangers international peace and security.

In that connection, my delegation notes with optimism Syria's decision not to respond militarily to the aggression. It is our expectation that, as this matter

has been brought before the Security Council, it will follow a course permitting the easing of tension. We also appeal to Israel to channel its own legitimate indignation into the appropriate course, as set out in the Charter. The Security Council must be the forum in which to ease and resolve disputes that threaten peace. We hope that prudence, moderation, reason and international law will prevail and that this escalation will not lead to an even more serious spiral of violence. The consequences for the region and the rest of the world would be horrific.

We support the efforts of the Quartet and urge its members to redouble their efforts to secure peace in the Middle East. Once again, my country considers that it is only the establishment of a Palestinian State can lay a firm foundation for peace in the Middle East.

Mr. Gaspar Martins (Angola): Permit me first to congratulate you, Sir, on your assumption of the presidency for the month of October. It is regrettable that this should be the first meeting of your presidency, but the matter before us is a situation of which the Council had to be seized and on which it must adopt a position. I am sure that, under your guidance, we will continue to have a very fruitful month of deliberations. I would also like to seize this opportunity to extend to Sir Emyr Jones Parry my congratulations for his very skilful stewardship of the Council during the past month.

I note with regret that the deplorable acts of war that we are examining this afternoon — which represent a very serious escalation of violence in a situation that is already dangerously affecting world peace — namely the direct strikes on Damascus and also the recent attacks in Haifa, are taking place in a context in which a relatively shaky peace already prevails. The situation we are examining demonstrates the real fragility of the situation and the need for a more comprehensive peace agreement for the entire Middle East region.

We need to see a real commitment by the parties to this conflict to put a stop to the logic of violence. Violence is not stopped with violence. We reiterate our appeal to the States in the region to create a climate conducive to progress in the implementation of the road map, which, alone, will bring a stop to the building of walls, or to the acts that took place over the weekend in Haifa and in Damascus. My delegation unequivocally condemns such acts. A clear commitment to peace and moderation in the Middle East is long overdue.

At the heart of this situation clearly lies the unresolved Palestinian question. In the face of failure to achieve a satisfactory conclusion, with implementation of the relevant Security Council resolutions, and progress on the road map, the Council must continue to make unceasing demands that true advances be made.

I would like to end by saying that the resolution that we have been presented this afternoon clearly calls for a position to be adopted by our Council, and we shall put ours forward following consultations with my authorities in the capital.

Mr. Sow (Guinea) (*spoke in French*): My delegation would like to congratulate you, Sir, on your assumption of the presidency of our Council and to assure you of our full cooperation. We are very grateful also to Ambassador Jones Parry for his excellent conduct of our work during September.

Allow me to express my delegation's appreciation for the wisdom you demonstrated in the prompt organization of this public meeting of our Council in the face of the escalation of tensions in the Middle East following the violation of Syria's air space by the Israel Government and the extension of extrajudicial State violence to that neighbouring Arab State.

Nothing — absolutely, nothing — can justify such an act, which is contrary to all acceptable standards of international conduct, and whose sole purpose is to extend the strategy of chaos already imposed on the people of Palestine to all the neighbouring Arab Islamic States. Such an act violates all the relevant Security Council resolutions designed to bring about a negotiated political peace settlement to the Israeli-Arab crisis.

Thirty years after the signing of the disengagement agreement of 30 May 1974 between Israel and the Syrian Arab Republic, Israel's unjustified attack on Syria is a particularly serious and alarming threat to international peace and security and is liable to jeopardize the implementation of the Quartet's road map, whose ultimate goal is to overcome the problems raised by the cycle of violence and to safeguard the peace process in the Middle East.

My country, the Republic of Guinea, firmly condemns the use of force and violence and,

particularly, terrorism as a means of political and diplomatic negotiation or of pressure to advance political views. We condemn terrorism in all its forms, including in the form of State terrorism. In that respect, we have condemned the terrorist attacks committed on the eve of Yom Kippur in Haifa, which struck innocent Israeli citizens.

Such blind violence can only damage the noble Palestinian cause, which my country has always supported. The Israeli armed reprisal is a disproportionate reaction stemming from a political will to destroy the peace efforts in the region of the international Islamic community. We firmly condemn this military attack, and we express our concern at the attempt to illegally expand the zone of conflict and destabilize the entire Middle East.

My country commends the measured and very responsible reaction of the Syrian Government. In promoting the path to dialogue and appealing to the conscience of Security Council members, Syria is setting an encouraging and laudable example.

We believe yet again that we must call on the Israeli Government to show more self-restraint and moderation and comply with the relevant Security Council resolutions. In that context, my delegation fully supports the draft resolution submitted by Syria. That draft is moderate, and could be a positive and beneficial signal to the peoples of the Middle East and the world.

Mr. Belinga-Eboutou (Cameroon) (*spoke in French*): First of all, I would like to congratulate you, Sir, on your assumption of the presidency of the Council during October and to assure you of my delegation's full cooperation. I would also like to express our appreciation to the permanent representative of the United Kingdom, Ambassador Emyr Jones Parry, for his innovative presidency last month.

We learned with consternation of the outbreak of violence that has recurred in the Middle East over the past two days, which has been marked by the attack in Haifa and the raids into Syrian territory.

All of these acts are serious violations of the terms of the Quartet's road map, of the ceasefire agreement of 1974 between Israel and Syria and of international law. Such acts are dangerous because they jeopardize the prospects for a speedy return to peace and security in the region — prospects that are already very weak. Cameroon has always condemned all acts of terrorism. We believe that there can be no justification for such acts and that no cause can legitimize them. Similarly, Cameroon, which is resolutely committed to combating that scourge, is convinced that our common struggle must be undertaken with full respect for fundamental human rights and international law.

Faced with this dangerous escalation, we call on all of the parties to demonstrate a great deal of restraint at this extremely difficult and delicate time. We call on them to refrain from any initiative that might exacerbate the situation. We call on them to respect their commitments — contained both in the road map and in earlier agreements. Finally, we call on them to put an end to the cycle of violence in the Middle East so as to facilitate a resumption of dialogue.

We urgently appeal to the international negotiators, in particular the Quartet, immediately to take actions aimed at the containment of the situation and to accelerate the taking of bold steps, which the Secretary-General referred to on 26 September. Such bold steps, in keeping with the road map, should deal simultaneously with the fundamental needs of the two parties, namely, security for Israel and an end to occupation for Palestine.

It goes without saying that if such measures are not taken we will run the risk, as the Secretary-General warned us, of having to pay a heavy price. Recent events make clear the urgent need for what Cameroon terms comprehensive disarmament in the Middle East — a disarmament policy aimed in particular at cultural disarmament, which would eradicate war psychosis and the violence in people's hearts and show the various parties that their survival depends, not on the results of war, but on the outcome of negotiations.

We have just received a copy of a draft resolution. Immediately after the end of this public meeting we will transmit it to our capital and await instructions.

The President: I shall now make a statement in my capacity as representative of the United States.

We call on all sides to avoid heightening the tension in the Middle East and to think carefully about the consequences of their actions. We were notified this morning of the Israeli action in Syria last night, after

the event. This morning, at 9 a.m., President Bush called Israeli Prime Minister Sharon and conveyed our condolences for the victims of Saturday's terrorist attack at a restaurant in Haifa, which claimed the lives of 19 Israelis, including three children and five Israeli Arabs, and wounded dozens more. The United States and the Government of Israel agreed that it is important to avoid actions that could lead to a further heightening of tension in the Middle East.

The United States believes that Syria is on the wrong side of the war on terrorism. We have been clear of the need for Syria to cease harbouring terrorist groups. Specific directions for terrorist acts continue to be issued from terrorist groups based in Syria. During his visit to Damascus this year, Secretary of State Colin Powell told the Government of Syria that this was unacceptable and intolerable. I myself made this point to Syrian Foreign Minister Al-Shara' in June 2002 in this Chamber.

We believe that it is in Syria's interest and in the broader interests of Middle East peace for Syria to stop harbouring and supporting the groups that perpetrate terrorist acts such as the one that occurred in Haifa yesterday.

I now resume my functions as President of the Council.

As a measure to optimize the use of our time and in order to allow delegations to take the floor as quickly as possible, I will not individually invite speakers to take a seat at the Council or invite them to resume their seats at the side of the Council Chamber. When a speaker is taking the floor, the Conference Officer will seat the next speaker on the list at the table.

I thank representatives for their understanding and cooperation.

I now give the floor to the Permanent Observer of the League of Arab States to the United Nations.

Mr. Mahmassani (*spoke in Arabic*): I would like at the outset to congratulate you, Sir, on your assumption of the presidency of the Security Council for this month. I am convinced that you will guide the work of the Council with wisdom and skill. I would also like to thank your predecessor, Sir Emyr Jones Parry, for his work at the helm of the Council last month.

The Council of the Arab League held an emergency meeting today at the level of permanent representative to consider the consequences of the repugnant Israeli attack against Syrian territory. The League considers that this attack constitutes an escalation that threatens international peace and security, as well as representing a deterioration in the situation such that it could spin out of control and involve the entire region in a cycle of violence. It calls upon the United Nations to discharge its responsibilities to preserve international peace and security and to consider this question under Chapter VII of the Charter.

The Council of the Arab League denounces this attack and considers that it is yet another flagrant violation of the United Nations Charter and of the principles of international law. Israel is fully responsible for all consequences that may result from such aggression.

The Council reaffirms its support for and solidarity with the Syrian Arab Republic and any measures that it may adopt in self-defence against such aggression. The Council calls upon the Security Council to prevent Israel from continuing such provocative acts. We call for the cessation of State terrorism and Israeli measures against the Palestinian people, Syrian and Lebanon in order to ensure that the entire region does not become inflamed and experience even greater insecurity.

This attack reaffirms the aggressive nature of Israel and the fact that the Israeli Government rejects any peace initiative. Israeli aggression against Syria is part and parcel of Israeli policy to continue the occupation of the Syrian Golan and the other occupied Arab territories. It confirms that Israel is not devoted to a just and lasting peace throughout the Middle East. It is Israeli politics and its policy in continuing settlements and annexation of Arab territories.

This attack acerbates the situation. It will have a serious fallout that will make any peaceful settlement of the conflict impossible. I call on the Security Council to discharge its duty and see what can be done now, because Israel works beyond the range of legality as enshrined in all international resolutions. The Security Council's double standards are enabling Israel to continue to act outside international law, as if it enjoys total impunity. The Security Council has

adopted 37 resolutions that Israel has not implemented. Israel has not implemented any of those resolutions.

At the very heart of the Arab-Israeli conflict we find Israel's occupation of Arab territories. Israel is trying to distract people from this truth. Israel is presenting its acts as if they are a way to eliminate terrorism. That is naive. Israeli occupation of Arab territories is at the very heart of this problem. It will remain unsolved until Israel abides by international legality and leaves those occupied Arab territories. Measures and punishments exacted by Israel against the Palestinian people do not bring peace to the region; they lead to violence and continuing deterioration of the situation. That situation can be solved only by sitting around the negotiating table, and Israel must implement the Security Council resolutions, the 2002 proposal from Beirut and the principle of land for peace.

The President: I now call on the Ambassador of Lebanon.

Mr. Kronfol (Lebanon) (*spoke in Arabic*): Allow me first, Mr. President, to express to you my hope that your presidency of the Council this month will be successful in achieving peace and security in the whole world, especially in our region. Let me thank your predecessor, the Permanent Representative of the United Kingdom, for his skilful presidency.

At the beginning I wish to state that my Government today addressed a letter to the President of the Security Council and to the Secretary-General of the United Nations in which it requested the convening of an immediate meeting of the Security Council to consider the violation by Israeli military planes of the Lebanese airspace in order to strike a site inside the territory of the Syrian Arab Republic. Our understanding now is that the Secretariat is in the process of translating that letter from Arabic so that it may be circulated to all members of the Council. I request that that fact be reflected in the official records of this meeting.

I will now read the text of that letter.

"His Excellency, the President of the Security Council, Ambassador John Negroponte

"We would like to advise you, Sir, that in the morning of Sunday, 5 October 2003, Israeli military planes violated the airspace of Lebanon in order to strike a site inside the territory of the Syrian Arab Republic. On the same date, at noon, eight other Israeli military planes violated the airspace in southern and northern Lebanon.

"It is to be noted that despite the repeated positions of the Secretary-General, and notwithstanding the announcements and warnings by his representative in Lebanon, the Israeli violations continue without any grounds or justifications.

"The most recent of those violations is the use of Lebanese airspace in order to commit an act of aggression against a sister neighbouring State. That action consititutes a serious escalation of the situation and a new development in the method of Israeli attacks.

"On this basis Lebanon requests that the Security Council meet immediately to examine these acts of aggression and to take proper measures to deter Israel. Those violations, especially the most recent, constitute blatant aggression against the Blue Line, which is sponsored by the United Nations in southern Lebanon. They also endanger stability along that line and represent Israel's intention to export its current dilemmas in the occupied territories to other places.

"As it draws the attention of this Council to this grave situation, Lebanon is fully confident in the measures the Council will take to condemn Israel and to deter it from similar acts of aggression that would lead to dire consequences that would destabilize the current situation along the Blue Line as well as seriously endanger peace and stability in the region."

That letter, dated 5 October 2003 from Beirut, is from the Acting Minister for Foreign Affairs and Minister for Expatriate Lebanese, Mr. Michael Suraha.

Lebanon requested a meeting of the Security Council due to Israel's excessive violations of Lebanon's air space and of the Blue Line arrangements sponsored by the United Nations in southern Lebanon. Those actions led to an act aggression against a Member State of the United Nations and current member of the Security Council, in addition to being an act of aggression against a sisterly State with whom my country has the closest of relations.

The Charter of the United Nations and the norms of international law, which all of us must respect, warn against any act of aggression by any Member State against another irrespective of the reason. They also hold that a State should first resort to the Security Council to argue its case.

The Government of Israel has no right to exploit the international campaign against terrorism as a stalking horse to implement its policy against the people whose lands it occupies. Mixing up the Haifa bombing with an action against Syria or linking it with the State terrorism practised by Israel is a contravention of the norms of international law. No crime can be justified by the commission of an even more serious crime.

Israel has all along rejected all forms of international advice. It has also completely disregarded the advice and warnings of the Secretary-General and of his Representative in southern Lebanon. The danger of these violations and the disregard for the United Nations remarks constitute flagrant acts of aggression against peace and stability along the Blue Line, which is a strategic line that represents the strategic position of Lebanon, Syria and the Arab Group to reach a just, comprehensive and lasting peace in the region, as reflected in the Arab peace initiative adopted at the Beirut Arab summit.

Lebanon requests the Security Council to fully meet its responsibilities and take the proper measures to condemn Israel and deter it from committing acts of aggression, violations and the constant threats that have become a daily routine against Lebanon. Israel is doing all those things without any real grounds or reasons, except to mislead Israeli public opinion by fleeing to the front and exporting its domestic crisis outside Israel and to give world public opinion the false impression that it is a victim of aggression.

The letters that my Government has repeatedly addressed in the past to the Secretariat and to the Security Council constitute clear proof of the fact that Israel's intentions are aggressive and not defensive. Israel's violations of the relevant resolutions of the United Nations and of international agreements are the cause of pain, anguish, misery, evil and turbulence throughout the Middle East. The tactics pursued by Israel to justify its presence in neighbouring countries are known to all. But if the Government of Israel wants to send a message of terrorism and intimidation to Lebanon and Syria, it has missed the mark. These actions by Israel will further fuel the cycle of violence in which that country will itself become trapped.

Lebanon hopes that the international community will lay bare the true nature of these Israeli practices, bring them to an end and strongly condemn them, just as it should condemn those who order them and implement them. Lebanon also hopes and expects that the Security Council will condemn Israel's aggression against another peaceful Syrian village, just as it condemned the Israeli air force's attacks against many peaceful villages and towns in Lebanon.

Given the current practices of the Israeli Government, which can only be described as reckless, and given its blind violence, the Security Council should not compromise all its peace efforts. More than ever before, the Council has a clear responsibility today to rein in Israel's wholly illegitimate acts of aggression.

The President: I now give the floor to the representative of Algeria.

Mr. Baali (Algeria) (*spoke in French*): I would first like to thank you, Mr. President, for having agreed so promptly to the request of the Arab Group to hold this open meeting to consider an event of extreme gravity that has imperiled international peace and security just a few days after many world leaders came to the United Nations to reaffirm their adherence to international law, the principles and objectives of the Charter of the United Nations and the system of collective security embodied by the Security Council. I should also like to take this opportunity to congratulate you, Mr. President, on your assumption of your duties as President of the Council for the month of October. I also wish to congratulate the representative of the United Kingdom for his outstanding performance as President of the Council last month.

An exceptionally grave Israeli act of aggression has taken place today against a sovereign State and member of the Organization, the Syrian Arab Republic. This is a prime example of a violation of the Charter of the United Nations, international law, the relevant resolutions of the Security Council and the disengagement agreement that has linked two countries since 1974. This act of aggression is particularly serious given that it is taking place in an atmosphere of extreme tension that is affecting a region made fragile

by the policy of terror and repression practised by Israel in occupied Arab territories.

This flagrant violation of the territorial integrity of the Syrian Arab Republic is a new stage in the policy of escalation and flight pursued by the Israeli regime, which is designed to end the peace process that the Quartet is working hard to relaunch and to ruin any opportunities for peace in the region.

Given that risky policy, which could send the entire region into a spiral of violence whose consequences are unpredictable, it is very important that the international community adopt a firm and vigilance attitude and condemn in the strongest terms this new Israeli challenge to the Security Council and international law. Complacency of any kind would only encourage Israel to practice its irredentist policy and to continue to trample Security Council resolutions and norms of international law.

Algeria, which today condemned through the spokesman of the Ministry for Foreign Affairs this act of military aggression wishes to reiterate its full solidarity with the fraternal Syrian people and emphasizes that only a just comprehensive settlement of the Arab-Israeli conflict, based on the principle of land for peace and the exercise of the legitimate rights of all peoples of the region, including those of the Palestinians to establish an independent State, will enable this part of the world to regain peace, stability and prosperity.

Given this aggression against a sovereign State, in violation of international law, my delegation expects that the Security Council will adopt the firmest position, condemn unreservedly this aggression and force Israel to abide by international law and to respect Security Council resolutions.

The President: The next speaker on my list is the representative of Morocco.

Mr. Bennouna (Morocco) (*spoke in French*): I wish to add my voice to those have already done so in expressing our full confidence in you, Sir, as President of the Council this month. I also wish to congratulate Ambassador Emyr Jones Parry for a very determined and innovative presidency last month.

Syria, a fraternal country and member of the Council, was a victim of Israel's recourse to the use of force, in violation of the Charter. Article 2, paragraph 4 of the Charter calls on all Member States to refrain from the use of force against the territorial integrity or the political independence of any State. The Israeli attack that took place last night or this morning was a flagrant violation of Syria's sovereignty and territorial integrity. The fact is there. No one is denying it. That fact cannot be the object of the sole legal justification envisaged by the Charter — legitimate self-defence. If words still have meaning and if international law still exists, the concept of legitimate self-defence has nothing to do with the deliberate attack against Syrian territory.

Striking because a reprehensible, odious and unacceptable act was committed in Haifa recalls times of sad memories when blind, collective punishment took the place of justice. In any case, we would be far from the principles of the Charter and the fundamental standards of international law.

Therefore, if the facts are evident, it is the responsibility of the Council to take note of them and to determine if they pertain to Chapter VII of the Charter — namely aggression, a breach of the peace or a threat to peace — and then to take the measures required of the Council as the organ primarily responsible for the maintenance of international peace and security.

The Kingdom of Morocco can only express its alarm at the escalation of violence in the Middle East, an escalation that runs the risk of including all countries of the region, and beyond that endangering peace and security in the world. We sincerely hope that the Council will take the appropriate measures to stop this escalation by requiring Israel to respect the sovereignty of its neighbours and their territorial integrity, particularly of Syria, to which the Kingdom of Morocco expresses its full solidarity.

The President: I call on the representative of Jordan.

Mr. Al-Hussein (Jordan) (*spoke in Arabic*): At the outset, I wish to congratulate you, Mr. President, on your assumption of the presidency of the Security Council this month. We wish you every success in leading the deliberations of the Council. We also express our appreciation to His Excellency Ambassador Emyr Jones Parry for his impressive presidency of the Council last month. I also wish to thank you, Sir, for convening this emergency meeting.

The convening of this important meeting at this time to examine the situation in the Middle East is a clear manifestation of the Security Council's recognition of the grave developments that have taken place in the our region that will endanger the peace process and will lead to bloodshed.

The Government of the Hashemite Kingdom of Jordan strongly condemns the aerial attack by Israel this morning against the Syrian Arab Republic.

International law in this regard is very clear. No party can act outside of the jurisdiction of Article 2, paragraph 4 of the Charter, which prohibits the use of force except in two cases. The first case is if the use of force is used under Article 51 of the Charter, which reflects the principle of self-defence. However, the exercise of that right on the part of any State is conditioned on a prior armed attack against it. The second case is if the Security Council authorizes the use of force under Chapter VII of the Charter.

Neither case applies in this matter. The Government of the Hashemite Kingdom of Jordan calls upon Israel to cease forthwith using force and any forms of violence, comply with international law and respect the sovereignty of all States of the region.

The President: I call on the representative of Egypt.

Mr. Aboul-Gheit (Egypt) (*spoke in Arabic*): The Security Council is meeting following the attack, which means that the Council must now carry out its responsibilities, strongly condemn that act of aggression and take steps to ensure that it does not recur.

I should like to read out a statement issued today in Cairo by our Minister for Foreign Affairs. That statement reads as follows:

> "The international community is endeavouring to achieve a just and peaceful settlement in the Middle East in the context of peace and security for all peoples. At present, Israel continues to escalate the situation and has even attacked Syrian territory. This inflames tension and could broaden the sphere of violence and counter-violence.
>
> "The Arab Republic of Egypt condemns this new act of aggression, which is part and parcel of Israel's usual policies. It expresses its solidarity with the people of Syria, who remain committed to international legality. Egypt calls upon the international community to oppose this new act of aggression and to ensure that the situation in the Middle East does not deteriorate.
>
> "We condemn all acts of aggression perpetrated against civilians, including the attack carried out yesterday in Haifa."

Israel's continued provocative and aggressive acts against the Arab States of the region should cause the international community to use its powers in order to bring about lasting peace. The entire world understands that Israel must withdraw from all territories occupied since 1967 and that an independent Palestinian State must be established, living side by side with Israel in peace and security. Such a settlement — on which negotiations must resume immediately — would be consistent with the principles of international law and common sense, and would be in the interest of all peoples. Any delay in reaching such a settlement will cause further civilian victims on both sides and will be a loss of precious time for people who seek prosperity and development.

Today, the international community has an opportunity to reassert its engagement and to condemn the adventurists, who will bring only suffering to the peoples of the region. A firm position must be taken today for the sake of the tomorrow we wish to build together. Stern measures must be adopted today to avert further years of suffering. A strong consensus will open the way for hope, and will convince the adventurists that they are harbouring illusions that only perpetuate aggression. They will have to renounce the desire to hold on to the territory of others. Peace must reign.

Today the Israeli representative told the Council that on this day 30 years ago Egypt and Syria attacked Israel. The Minister for Foreign Affairs of Israel made a similar statement today; he spoke of unprovoked Egyptian-Syrian aggression. I cannot fail to recall that the Egyptian-Syrian military action across the Suez Canal was legitimate and had the clear-cut goal of regaining Egyptian territory in the Sinai at a time when Israel was insisting on retaining the Sinai. Egypt's action was in full conformity with the United Nations Charter and with the right of self-defence. It took place within Egyptian territory and on Egyptian territory.

The President: I now give the floor to the representative of Tunisia.

Mr. Hachani (Tunisia) (*spoke in Arabic*): I congratulate you, Sir, on your assumption of the presidency for the month of October. My appreciation goes to Ambassador Emyr Jones Parry for the way in which he guided the work of the Council last month. My delegation thanks you, Mr. President, for having responded so quickly to the request to convene this meeting to discuss recent events in the Middle East.

Tunisia learned with grave concern of Israel's act of aggression against fraternal Syria. We condemn that act of aggression and stand in solidarity with Syria. We believe it threatens a serious escalation and violates international law. It poses a threat to regional security and constitutes a violation of resolution 338 (1973). It is a flagrant violation of Syria's sovereignty and territorial integrity. Furthermore, Tunisia vigorously deplores the violation of Lebanese air space in the commission of this aggression against Syria.

Tunisia believes that this unjustified act of aggression will further complicate the situation in the region and will bring further escalation, violence and destabilization. Here, Tunisia appeals to the Israeli Government to halt such acts of provocation so as to prevent the region from being caught up in a cycle of violence. We call on the international community to shoulder its responsibilities and to take urgent and forceful measures to prevent the escalation of the situation.

My delegation cannot fail to welcome the responsible position taken by the Government of Syria, rejecting the logic of violence in the face of Israeli escalation. The Council should take this into account.

The President: I now give the floor to the Permanent Observer of Palestine.

Mr. Al-Kidwa (Palestine) (*spoke in Arabic*): I wish at the outset to congratulate you, Sir, on your assumption of the presidency of the Security Council for this month, and to convey our appreciation to your predecessor, Ambassador Emyr Jones Parry.

As members of the Council know, Israeli warplanes attacked a site north of Damascus, the capital of sisterly Syria. There is no doubt whatsoever that this marks new Israeli aggression against the sovereignty and territorial integrity of Syria. It is a violation of the Charter of the United Nations and the norms of international law. In the course of this action against Syria, Israel also violated Lebanese air space — which constitutes aggression against yet another Arab country.

Today's action may be added to the long list of acts of Israeli military aggression against many Arab countries, and confirms Israel's determination to use aggression and force and to violate international law. We vigorously deplore and condemn this most recent Israeli aggression against Syria and call upon the Security Council to join in vigorously condemning it. We call upon the Council to demand that Israel cease such acts of aggression and such violations of international law, as set out in the Arab draft resolution that has been placed before the Council.

The Israeli aggression threatens to extend the cycle of confrontation to the entire Middle East, adding to the great dangers that we already face in that region. We speak today as the victims of systematized Israeli aggression and of the bloody Israeli campaign against us of the past three years, including repeated war crimes. We are victims of settler colonization, expansionist policies and the denial of our national right to an independent Palestinian State with its capital in East Jerusalem.

Despite long years of colonization, we take the position of responsibility in standing against all illegal acts undertaken from our occupied territories against civilians in Israel. On that basis, the Palestinian leadership condemned the suicide bombing that took place yesterday in the city of Haifa and called for the full and immediate cessation of such acts.

On the other side, Israel must admit that such acts are the consequences of colonization and of its policies and actions, and not vice-versa. Israel must also stop linking its dirty acts to the international community's struggle against terrorism. Israel must also cease its illegal campaigns, including its building of a wall around our country; its threatening the life of the Palestinian leader, elected by the Palestinian people; and its intimidation of Arab countries, including sisterly Syria.

The President: I now call on the representative of Kuwait.

Mr. Al-Otaibi (Kuwait) (*spoke in Arabic*): Allow me at the outset to congratulate you, Sir, on your assumption of the presidency of the Council for this

month. I wish you every success in conducting our deliberations.

I would be remiss if I failed to thank your predecessor, the Permanent Representative of the United Kingdom, for his leadership of the Council last month.

We appreciate your swift response to the request of the Arab Group to convene this meeting. Such celerity is based in the Council's belief that Israel's act of aggression today against a State member of the Security Council represents a grave threat to international peace and security. Kuwait condemns Israel's violation of Lebanon's and Syria's airspaces and its attack against Syrian territory by targeting a civilian site in the village of Ein Saheb. The statement issued by our Prime Minister stressed our condemnation of that act of aggression, which violates the principles of international law and the fundamental principles of the United Nations.

We welcome the statement made by Secretary-General Kofi Annan on this grave escalation and we share his concern that the deterioration of the situation in the region could presage further threats to regional peace and security. Such provocative and unwarranted acts of aggression by Israel fall within the context of its ongoing efforts to undermine the peace process by setting up obstacles to the implementation of the road map of the Quartet. Such acts also prove the fact that the Israeli Government is not serious about achieving a permanent peace in the Middle East and will bring further violence to the region.

Israel's acts of aggression, by they in the occupied Palestinian territories or in neighbouring Arab States, will not achieve its desired sense of security. Israel should stop shirking its responsibilities and international commitments. We call on Israel to commit itself to the obligations it has already assumed, including those under Security Council resolutions 242 (1967) and 338 (1973), as well as to the principle of land for peace. Israel should also implement the road map, with all its obligations, and withdraw from all the territories it occupied in 1967.

Kuwait stands in full solidarity with the Syrian Arab Republic in defying the act of aggression committed today. Kuwait supports the measures to be taken in defence of the territorial integrity of Syria and calls on the Security Council to assume its responsibilities in the maintenance of international peace and security. The Council must condemn this escalation and call on Israel to refrain from such acts, which threaten regional and international security and will further exacerbate an already explosive situation in the Middle East.

The President: I call on the representative of Saudi Arabia.

Mr. Shobokshi (Saudi Arabia) (*spoke in Arabic*): I join with those who have congratulated you, Sir, on your assumption of the presidency of the Council for this month. We are optimistic that your wisdom and experience will help you in conducting the Council's business as we all would wish.

I also extend appreciation and thanks to your predecessor, the Ambassador of the United Kingdom, for guiding the Council's work last month.

Once again, Israel has affirmed its disregard for international law and norms. Once again, it has affirmed that it does not care about any agreement, convention or international legality. The Israeli air force has committed an unprovoked aggression against a civilian site in Syria that posed no threat or danger to anybody. Israel's violation of Lebanese and Syrian airspaces and its aggression against Syrian territory is a blatant contravention of international law and norms, confirming the aggressive, terrorist nature of the Israeli Government.

The Israeli Government is resorting to every pretext to export its internal crises, terrorizing and intimidating the countries of the region and pursuing its continued aggression against the Palestinians and repressive practices in the occupied territories. The Israeli Government is trying to confuse everybody, wrecking havoc on the region and raising tensions in a very volatile situation.

We agree with the statement made by the Secretary-General in which he denounced the Israeli aggression and warned against escalation in a region that is already extremely tense and against a rising danger that may be difficult to contain. We need to implement the road map through the Quartet's insistence on the implementation of all its provisions with due impartiality.

The Kingdom of Saudi Arabia denounces Israel's aggression against sisterly Syria. This aggression is a provocation that may undermine the peace process in the area. It threatens international and regional security.

and represents a dangerous deterioration of the situation in the region.

Saudi Arabia, while affirming its solidarity with the position of Syria — which has showed great restraint in the face of this aggression — calls upon the Security Council to shoulder its responsibilities for the maintenance of international peace and security by condemning the Israeli aggression and by putting an end to this organized State terrorism, to the inhumane practices of the Israeli occupation against the Palestinian people and to its aggression against Syria and Lebanon. In order to maintain peace and security in the region, it must not repeat its act of aggression.

The President: I now call on the representative of Cuba.

Mr. Rodriguez Parrilla (Cuba) (*spoke in Spanish*): I wish to congratulate you, Sir, on your assumption of the presidency and to express my gratitude for the presidency of Ambassador Jones Parry.

The delegation of Cuba strongly condemns the military attack launched by Israel on 5 October against the Syrian Arab Republic in flagrant violation of the Charter of the United Nations, international law and the very resolutions of the Security Council. An act of aggression has been committed, in the light of which the Council must exercise its functions under the mandate of the Charter.

The Security Council has the duty to prevent a dangerous escalation in the Middle East conflict. Approximately 3,600 people — nearly 2,800 of them innocent Palestinian civilians — have died since September 2000. A wall is being built to segregate the Palestinian people. There are repeated violations of airspace and attacks against southern Lebanon. The provocations and slanderous statements against Syria are increasing.

While we reiterate our condemnation of suicide bombings against Israeli civilians — who continue to be innocent victims of the spiral of violence caused by their Government's policy — Cuba rejects the use of such individual actions to attempt to justify State terrorism against Syria and Lebanon and atrocities perpetrated by an army that possesses the most modern and lethal means for indiscriminately killing targeted persons as well as numerous other victims.

The veto of the United States — repeated 37 times — has thus far prevented Security Council resolutions from being implemented, has prevented Chapter VI of the Charter from being invoked, has prevented appropriate actions from being taken to ensure Israel's withdrawal from all the occupied territories, and has prevented peace from being restored in the Middle East.

Cuba confirms its full support for the cause of the Arab peoples against Israeli occupation and aggression, and we express our deeply felt solidarity with their resistance. A just and lasting peace cannot be achieved in the Middle East unless there is an end to Israeli occupation, unless the Palestinian people can exercise their legitimate right to establish an independent State with its capital in East Jerusalem, until there is a return of all the occupied territories, until Israel withdraws from the Gaza Strip, the West Bank and Syrian Golan back to the line held on 4 June 1967. There will not be peace until the Israeli provocations in southern Lebanon cease, until the rights of the Palestinian refugees are guaranteed and until the illegal Israeli settlements are eliminated, in conformity with Security Council resolutions.

Mr. Zarif (Islamic Republic of Iran): I should like to join previous speakers in expressing our felicitations to you, Sir, on having assumed the presidency of the Security Council and to congratulate your predecessor, Ambassador Emyr Jones Parry, on the excellent way he conducted the work of the Council last month. I also wish to thank you for having convened this urgent Council meeting.

The Israeli violation of Lebanese territory and airspace and the raid against civilian centres in Syria, causing destruction and casualties, is a further random act in the course of the incessant Israeli aggression against Arab countries and the Palestinian people. It clearly represents Israeli persistence in the pursuit of a policy of State terrorism, which must be vigorously condemned. No justification or pretext can be accepted for such a policy of reckless recourse to armed aggression, which represents a clear violation of the Charter of the United Nations and the most basic principles of international law.

This aggression represents a serious escalation at a time when tension is running high in the region. The raid further deteriorates the situation and threatens to broaden the scope of violence. It is in line with the

policy of escalation that the Israeli regime has pursued all along with a view to holding on to the Palestinian and Arab lands it has continued to occupy for decades. That is nothing but playing with fire in a region already scarred by decades of aggression and occupation by Israel.

My delegation rejects the baseless fabrication against my country presented in the Council today. But it is evident that no amount of slander, deception and smear campaigns by Israel can cloud the obvious: that the Sharon regime has engaged in a systematic campaign of provocation and escalation, from desecration of holy places to targeted murder of Palestinian leaders, in order to obliterate any prospect for peace.

However, this new adventure is all the more ominous, because it clearly indicates the fact that Israel, in its manoeuvring to continue its policy of occupation through escalation and provocation, is running out of options. It is attacking Arab countries in the belief that that will enable it to get out of the impasse it has created for itself. This new course of action, if unchecked, will drag the entire region into a downward spiral of violence, as it is designed to do. The Government of the Islamic Republic of Iran has already condemned this act of aggression — which is an integral part of the provocative and aggressive Israeli policy — and expressed its full solidarity with the Government and the people of Syria and the Government and the people of Lebanon.

We call on the international community, represented by this body, to impose restraints on the Israeli regime, whose actions are a threat to peace and stability in the Middle East. It is unfortunate that the Security Council, bearing primary responsibility for the maintenance of international peace and security, has thus far been prevented from shouldering its responsibility with regard to the crisis in the Middle East. There is no doubt that the impunity that Israel enjoys emboldens it to perpetrate its policy of aggression and occupation. Thus we urge the Council to take decisive action this time on this new, alarming aggression. This is especially necessary in the light of further threats by Israel to launch more attacks on Syria.

The President: I now call on the representative of Bahrain.

Mr. Almansoor (Bahrain) (*spoke in Arabic*): At the outset, I should like to sincerely congratulate you, Sir, on assuming the presidency of the Security Council for this month. I should also like to thank your predecessor, the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland, Ambassador Jones Parry, for his success in conducting the work of the Council last month. We thank you for promptly convening this emergency Security Council meeting to examine the dangerous situation that has arisen in the region.

The Security Council is holding this emergency meeting in the shadow of the dangerous developments threatening the peace and security in the Middle East and stemming from the current Israel's Government's policy of war, with unforeseeable consequences. The Israeli attack against sisterly Syria is a dangerous escalation of violence that threatens international and regional security. It is a violation of the United Nations Charter and international law and is in defiance of all the agreements, conventions and principles of international law. Israel's actions today offer a textbook example of the foregoing. As if it were not enough to conduct a policy of violence against the defenceless Palestinian people, the Israeli Government, through its policy of provocation, went on to launch an attach attack against a Member State and current non-permanent member of the Security Council.

My country condemns the Israeli raid against the Syrian Arab Republic and its violation of Lebanese and Syrian airspace. My country deplores this blatant aggression and the gross violation of international legality and the laws on the sovereignty of States. We denounce any action conducive to war.

The current Israeli Government is called on to desist from its current policy, which has dragged the region into a cycle of violence and tension. It must exercise reason and wisdom rather than engage the language of war and aggression against others. It must respect the principles of international law, including respect for the sovereignty of States in the region.

Here, I would like to pay tribute to the policy of restraint adopted by the Syrian Arab Republic in the face of aggression. Syria believes that international forums are the best recourse and far preferable to a language of war that victimizes people.

Finally, the Kingdom of Bahrain calls on the Security Council to apply the Charter against aggressor

countries. We call on the international community to take every measure to pressure Israel to stop the practices that are undermining all peace efforts and threatening stability and security in the region.

The President: I give the floor to the representative of the Libyan Arab Jamahiriya.

Mr. El-Treki (Libyan Arab Jamahiriya) (*spoke in Arabic*): I would also like to express to you, Sir, our congratulations on your assumption of the presidency of the Security Council for this month. We wish you every success in your work. We would like to extend our thanks and appreciation to your predecessor, the representative of the United Kingdom, for the efforts he made last month to make the work of the Council a success.

We meet today not for the first time – and it will not be the last – to discuss Israeli aggression against a State member of the Security Council. Israel's aggressive nature and years-long exercise of State terrorism have continued unabated without any decision taken to address the problem. Because of Security Council inaction, aggression and political assassinations have continued, as has occupation of land. Syrian land too is still occupied because of Israeli aggression.

I am not saying that this is a violation of the Charter of the United Nations, for Israel has never respected the Charter or any Security Council resolutions. Perhaps we might now have an opportunity to stop such aggression and an aggressor that has been exercising State terrorism, which, owing to the lack of constraints and measures to stop Israel from carrying out terrorist acts, has promoted the spread of international terrorism. Syria is a victim today. Palestine is another victim. No one knows who will be the next victim.

I would like to mention in particular the friends of Israel. We must speak frankly with Israel. We should not believe Israel. We should tell the Israelis that continued aggression, assassinations and occupation will not result in the achievement of a sense of security for Israel. The entire question of security for Israel, the only guarantee of security for Israel, lies in its abiding by international resolutions, recognizing the rights of the Palestinian people, withdrawing from occupied Arab territories and putting an end to the State terrorism that it exercises. Security cannot be achieved through aggression. Despite the conditions that encourage such aggression, it must end. I believe that the Council, which is responsible for the maintenance of international peace and security, must put an end to such aggression.

We express our support for and solidarity with sisterly Syria. We stand with Syria and Lebanon to confront such aggression. No peace and no end to terrorism can be achieved so long as people continue to live under occupation and State terrorism is exercised not just for self-defence but for the sake of occupation and aggression.

We hope that the Council will rise to its responsibilities, at least for once. It must say that aggression must be stopped and condemned. The Charter must be applied to Israelis, as it is to other people. Only than can we end aggression and occupation. We are certain that the Council is capable of doing so, if it can muster the will and a sense of responsibility towards the members.

The President: I now give the floor to the representative of Yemen.

Mr. Alsaidi (Yemen) (*spoke in Arabic*): Allow me to begin by congratulating you, Sir, on your assumption of the presidency of the Security Council for the month of October. We are confident that your well-known wisdom will help the Council reach the objective for which this meeting has been convened. Allow me also to express our sincere thanks to Sir Emyr Jones Parry, the Permanent Representative of the United Kingdom, for the wise manner in which he conduced the deliberations of the Security Council last month.

Israeli forces committed an unprecedented act of aggression this morning in an attempt to drag Arab States into military confrontation and to mask the heinous crimes perpetrated by the Israeli Government against Palestinians, in the hopes that such an action would draw the region into further conflict. This is an act of aggression whose like we have not seen against the Syrian Arab Republic in 30 years. Israel has failed to suppress the Palestinian intifada, so it has tirelessly endeavoured to export its internal crisis to neighbouring States. What is truly regrettable, however, is that Israel has not yet understood that a just and comprehensive solution, the establishment of a Palestinian State with East Jerusalem as its capital and Israeli withdrawal from occupied Syrian and Lebanese territory constitute the solution that will prevent any

further bloodshed and war in the region. Israel's act of aggression against the Syrian Arab Republic is a challenge to international law and to internationally binding resolutions calling on Israel to withdraw from the occupied Arab territories. The Republic of Yemen therefore condemns that act of aggression. Yemen also expresses its solidarity with its brothers in the Syrian Arab Republic and in the Lebanese Republic.

We call upon the international community, and primarily upon the Security Council and the United Nations, to condemn this senseless act of aggression. We also call upon them to adopt resolution to deter any further premeditated escalation by Israel. In our view, such escalation would pose an ominous threat to peace and stability in the region.

The President: I now give the floor to the representative of Qatar.

Mr. Al-Nasser (Qatar) (*spoke in Arabic*): At the outset, I would like to convey our congratulations to you, Sir, on your assumption of the presidency of the Security Council for the month of October. We are confident that your wisdom will guide the Council to the attainment of all our expectations. I would also like to thank your predecessor, Sir Emyr Jones Parry, the Permanent Representative of Great Britain and Northern Ireland, for his efforts during the month of September. We further wish to thank the members of the Council for their speedy response to the request made by the Syrian Arab Republic and Lebanon to hold an emergency meeting of the Security Council to consider the dangerous escalation of aggression perpetrated by Israeli forces against sites in the Syrian Arab Republic and Israeli violation of Lebanese air space.

The Foreign Ministry of Qatar issued a statement this morning in which it condemned the raid launched by Israeli forces against sites in Syria. We consider those actions a grave threat to peace and security in the Middle East that could drag the region back to war and tension. My country reaffirms that it stands by the sisterly Syrian Arab Republic. We call on the international community to bring pressure to bear on Israel to cease its aggression and commit itself to implement internationally binding resolutions calling on it to withdraw from all occupied Arab territory.

Israel's aggression against Syria is in clear defiance of all international rules and laws. It is also a clear violation of the Disengagement Agreement between Syrian and Israeli forces. It also affirms Israel's desire to export its internal crisis by waging wider war in the guise of combating terrorism.

My country has joined the list of sponsors of the draft resolution that has been submitted to the Council. We are confident that, given the very delicate circumstances, the Council will be able to assume its full responsibility under the Charter of the United Nations.

The President: I now give the floor to the representative of the Sudan.

Mr. Erwa (Sudan) (*spoke in Arabic*): At the outset, Sir, I would like to congratulate you, on your assumption of the presidency of the Security Council for this month. We are fully confident of your ability and wisdom. We would also like to thank Sir Emyr Jones Parry, the Permanent Representative of the United Kingdom, for the wise way in which he conducted the work of the Council last month.

We have returned to the Security Council for the second time in less than a month because of Israel's repeated violations of international law. God only knows how long and how often we will have to continue to come to the Council.

My delegation has followed with great concern Israel's violation of Syrian and Lebanese air space and its acts of aggression against the territory of both countries that targeted a civilian site north-west of Syria's capital, Damascus, and that caused material damage. My delegation considers that act of aggression to be a dangerous escalation that could threaten international peace and security and make an already bad situation vulnerable to incalculable and uncontrollable repercussions. At the same time, my delegation also condemns Israel's aggression against Lebanese and Syrian territories, which we consider yet one more in a long series of Israeli violations of international norms and law and instances of Israeli contempt for international legitimacy.

My delegation reaffirms its support for, and solidarity with, the Syrian Arab Republic. We also reaffirm its right to self-defence and to respond to this act of aggression.

My delegation further asks the Security Council to shoulder its responsibility and to intervene immediately to prevent Israel from continuing its provocative acts of aggression against Syria, against

the Palestinian people and against neighbouring Arab countries. My delegation reaffirms that is necessary to abide by the provisions of the United Nations Charter and by international law.

The blatant aggression committed this morning is not an isolated event. It was preceded by another such act on 8 January in the demilitarized zone between Syria and Israel. Now Israel has once again returned to its previous behaviour by committing another act this morning. The Security Council is called upon to take the necessary measures to ensure that Israel does not continue its terrorist acts, and that it returns to its senses and understands that its security lies in withdrawing from the land it occupies and putting an end to its acts of aggression against the Palestinian people and its attacks against neighbouring Arab countries.

Mr. Mekdad (Syrian Arab Republic) (*spoke in Arabic*): I regret having to take the floor again. However, this afternoon the Council heard unfounded lies, through which the Israeli representative tried to divert our attention from the reason for which the Council met: the Israeli violation of the air space of Syria and Lebanon and the acts of aggression committed against the sovereignty and territorial integrity of a State member of the Security Council and of the United Nations. Is there an insolence that can exceed what we have already witnessed? This Israeli style of prevarication is not new to us. We know about Israel's unfounded lies, and we know about Israeli attempts to distort facts and realities. That is the pattern we have come to expect from Israel, from 1948 to this very moment.

I will not respond to the unfounded lies perpetrated and promoted by the representative of the Israeli war Government, because the statements that were included in his statement simply deserve to be thrown into the Council's wastepaper basket. The logic promoted by the Israeli representative is the logic and the reasoning of a gang, not that of a responsible party. What is even more arrogant in what we have heard today is that he came here to preach to us about Israel's history of respecting international legitimacy, despite the fact that each and every of us here knows very well that that history is not exactly honourable. We would have greatly preferred to have him tell us the reasons for the Israeli failure to implement the scores — or even more than scores — of resolutions adopted by the United Nations, including by the Security Council, with regard to Israel ever since the State of Israel was established.

That representative chose to ignore the main reason behind the catastrophes and disasters which our region faces. He chose to ignore the blood-letting — by that I mean Israel's insistence on occupying Arab territories, its daily acts of aggression against the Palestinian civilians and its acts of aggression against Arab States, the last of which we have witnessed this morning. The Israeli continued occupation is the reason for the presence of hundreds of thousands, if not say millions of Palestinians in Syria and in other Arab lands. It is also needless to recall that the presence of those refugees was supposed to be temporary until the circumstances allowed them to go back to their country from which they were expelled by Israel and whereby they were replaced by illegitimate settlers and illegitimate settlements, things that this Council has rejected more than once.

The Palestinian field leadership is in the Palestinian territories. Its just logical to say that for tactical and geographic reasons the Palestinians who reside in Syria cannot plan for operations that take place on Palestinian territories. Therefore, accusing Syria with what the Israeli representative chose to term as giving refuge to terrorist organizations is only a desperate attempt to get out of the dead-end that Israel finds itself in and, as I say, an attempt by Israel to export its internal crises beyond its borders.

Nothing hurts international action against terrorism more than Israeli acts of aggression and the killing of Palestinians under the pretext of combating terrorism. Israel chooses to ignore the fact that it — and only it — was the first to introduce the concept of terrorism into our region through crimes committed by the Stern and the Haganah: gangs that were in fact the nucleus of the Israeli army. Some of their members are still wanted in Great Britain to this very day because of the acts of terror they committed. They became Prime Ministers and other high officials in Israel. Do members remember the assassination by those gangs of Count Bernadotte, the international mediator; do members remember the carnage and the massacres of Deir Yassin and Qana; do members remember the massacres of Sabra and Shatila; do members remember the role of General Sharon, the current Israeli Prime Minister in those massacres? We marked the anniversary of these massacres just a few days ago.

In combating terrorism, Syria stands side by side with all the other countries of the world. We frankly believe that this is what we should really do, that this is the correct course of action. Has not Syria cooperated with all with all the other countries of the world, including the United States in combating terrorism? Has not Syria saved lives, as recognized by United States Administration officials? Were we in fact on the wrong side when we cooperated in that field? We do not believe that this is the case. The responsibility of one permanent member in the Security Council and a co-sponsor of the peace process makes it incumbent on that party to adopt balanced positions that do not encourage acts of aggression and that do not accept any such acts, but that would deter the commission of such acts.

I would like to refer briefly to the comments that the representative of Israel made about democracy and respect for human rights, among other issues. The Israeli record with regard to democratic practices is very well known to all of us. Israel demonstrates its respect for the rights of the Palestinian people at checkpoints, in the building of the fence and in the demolition of the houses of civilians while their inhabitants are still inside. Such actions provide evidence of the Israeli attitude to the Universal Declaration of Human Rights and other instruments of international humanitarian law, which we are all seeking to respect.

Is that truly respect for human rights? Do States members of the Council believe in Israel's unique way of showing respect for human rights? I say to Israel that the members of the Council would not accept such notions.

In conclusion, I would like to thank those who condemned the Israeli act of aggression against my country. In doing so they expressed their support for the Charter and for international legitimacy. That is the right course of action to take in the interests of the maintenance of international peace and security.

The President: There are no further speakers inscribed on my list.

In accordance with the understanding reached in the Council's prior consultations, I now invite Council members to continue our discussion of the subject in informal consultations.

The meeting rose at 7.55 p.m.

United Nations S/PV.4836/Corr.1

Security Council

Fifty-eighth year

Provisional

4836th meeting

Sunday, 5 October 2003, 10.55 a.m.
New York

Corrigendum

Page 6, first column, second full paragraph

The correct spelling of the name in the penultimate line is Bassam al-Saadi.

Second column, third full paragraph, second line

The wording after the dash *should read:* which in an act of the

Page 7, first column, second complete paragraph

In the 17th line, following "required to do," *insert* the following sentence:

May I ask what any other country sitting around this table would do in the face of the callous murder of hundreds of its civilians?

03-56409 (E)